

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW MEXICO
3 UNITED STATES OF AMERICA,
4 Plaintiff,
5 vs. NO: CR-15-4268 JB
6 ANGEL DELEON, et al.,
7 Defendants.

8
9 Transcript of excerpt of testimony of
10 LEONARD LUJAN
11 April 23, 2018, and April 24, 2018
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1 April 23, 2018

2 THE COURT: All right. Mr. Beck, does the
3 Government have its next witness or evidence?

4 MR. BECK: Yes, Your Honor. The United
5 States calls Leonard Lujan. Your Honor, I think so
6 we can make good use of our time, the United States
7 moves to admit Government's Exhibit 95, which is
8 Mr. Lujan's pen pack, and Government's Exhibits 98
9 and 99, which are Mr. Lujan's plea agreement and
10 addendum.

11 THE COURT: All right. Does anybody
12 object to either one of those any of those three
13 being admitted?

14 Not seeing or hearing any objection,
15 Government's Exhibits 95, 98, and 99 will be
16 admitted into evidence.

17 (Government Exhibits 95, 98, and 99
18 admitted.)

19 THE COURT: Mr. Lujan, if you'll come up
20 and stand next to the witness box right in front of
21 you, before you're seated my courtroom deputy, Ms.
22 Bevel, will swear you in. If you'll raise your
23 right hand to the best of your ability there.

24
25

1 LEONARD LUJAN,
2 after having been first duly sworn under oath,
3 was questioned and testified as follows:

4 THE CLERK: Please be seated. Please
5 state your name for the record.

6 THE WITNESS: Leonard Lujan.

7 THE COURT: Mr. Lujan. Mr. Beck.

8 DIRECT EXAMINATION

9 BY MR. BECK:

10 Q. Good morning, Mr. Lujan.

11 A. Good morning.

12 Q. Are you now or have you been a member of
13 the SNM or Syndicate of New Mexico?

14 A. I haven't been part of it since 2007.

15 Q. Before 2007 were you a member?

16 A. Yes, sir.

17 Q. When did you become a member of the SNM?

18 A. In 1993. Wait, yeah, in -- yeah.

19 Q. Who brought you into the SNM in 1993?

20 A. At the time Mario Montoya, and he put
21 word, and he -- I guess he had confronted Julian
22 Romero, Billy Garcia, and Ramon Clark, and I guess
23 those are the ones that gave the okay.

24 MR. CASTLE: Objection, Your Honor,
25 hearsay.

1 THE COURT: Are you trying to solicit
2 this?

3 MR. BECK: No, Your Honor. That's fine.

4 BY MR. BECK:

5 Q. So was it -- how did you earn your bones
6 to get into the SNM?

7 A. Me and Ruben Hinojos -- Mario had asked me
8 to go and give him esquina, which means help, to hit
9 somebody, and that's how I -- that was the first
10 time I ever did anything for the S.

11 Q. When was that?

12 A. This had to have been around 1993,
13 somewhere around there.

14 Q. And where did this happen at?

15 A. This happened at the South Facility at the
16 PNM.

17 Q. At PNM. Can we see Exhibit 826, please?

18 Mr. Lujan, do you recognize Exhibit 826 as
19 an aerial view of the Penitentiary of New Mexico in
20 Santa Fe? It's there to the left on your screen in
21 front of you, a little easier view for you.

22 A. Yeah, I recognize the whole area there.

23 Q. And Exhibit 827, please.

24 Do you recognize this as the PNM South
25 facility?

1 A. Yes, sir. It's been a while since I've
2 been there. But yeah, that pretty much looks like
3 it. Because the reason I know these facilities is
4 because not only did I do time there, I was also a
5 trustee, and I used to go do the grass, mow the
6 lawns, and all that stuff. And I was on -- I used
7 to be on the highway crew.

8 Q. And is this the South facility where you
9 were brought into the gang and earned your bones?

10 A. Yes, sir.

11 Q. You said Ruben Hinojos was asking for your
12 help to hit someone. What does a hit mean?

13 A. That means you've got to go either stick
14 them or, kind of, pretty much, just -- hit means to
15 pretty much take them out, to kill them.

16 Q. What do you mean by "stick"? Stab them?

17 A. Yeah.

18 Q. Who is Ruben Hinojos?

19 A. He's -- at the time he was pretty -- he
20 had a little bit of pull within the SNM Gang.

21 Q. So he was an SNM member?

22 A. Yeah.

23 Q. And what happened?

24 A. Well, prior, we were in the yard, Mario
25 Montoya had asked me to help him do a hit, and we

1 were both -- it was just me and Ruben living in that
2 pod at the time. And Mario trusted me to help Ruben
3 Hinojos out. So what we did is, at the time -- in
4 those days, we'd call it suiting up. And suiting up
5 means putting on your beanie, putting on your
6 gloves, your jacket, everything, everything, and
7 going in there. And if you had a shank to stick
8 him, or if you didn't have a shank -- which I didn't
9 have a shank at the time -- I jumped up on the bunk
10 and started pounding on the guy while Ruben was
11 sticking him, stabbing him.

12 Q. So why was this particular inmate singled
13 out to be hit?

14 A. Apparently he owed money, I guess, for a
15 heroin transaction. And when we walked into the
16 cell, Ruben told him right away -- Ruben told him
17 right away that -- because he had a real nice ring
18 that had -- that would turn, like, the rainbow
19 colors, almost like, and it was a real nice ring.
20 So he told him just to give up the ring, and when he
21 paid his bill he would get his ring back. And the
22 guy pretty much said to Ruben, "Do what you got to
23 do."

24 And at that time, that's when I had
25 already jumped on the bunk and started just pounding

1 on him, and Ruben started stabbing him.

2 Q. And were you caught immediately? Did COs
3 see what you were doing and catch you immediately
4 after that?

5 A. No. We weren't caught right away or
6 nothing. It was, like, I guess, maybe six hours had
7 passed already, because they found him. He was
8 already, from what I understand, he was pretty much
9 drowning in his own blood.

10 Q. Were you then, afterwards, moved up to the
11 North facility at PNM?

12 A. Yes, sir.

13 Q. Before joining the SNM, were you a member
14 of a street gang?

15 A. Yes, sir.

16 Q. Which gang?

17 A. Happy Valley.

18 Q. Where is that?

19 A. That's right there in the South Valley of
20 Albuquerque. It's right there off Riverside and La
21 Vega. It's right -- there's where it all started
22 and stuff, you know?

23 THE COURT: Mr. Beck, would this be a good
24 time for us to take some sort of break?

25 MR. BECK: Fine, Your Honor.

1 THE COURT: All right. Let me poll the
2 jury. Do y'all want to take a 15-minute break and
3 come back and work through the lunch hour and take a
4 late lunch, or take your lunch break now? How many
5 want to do the first, take a late lunch? Looks like
6 about everybody.

7 Does that work for the counsel and the
8 parties?

9 MR. BECK: That's fine.

10 THE COURT: So we'll be in recess for
11 about 15 minutes and come back in and work through
12 the lunch hour.

13 (The jury left the courtroom.)

14 THE COURT: All right. We'll be in recess
15 for about 15 minutes.

16 (The Court stood in recess.)

17 THE COURT: All right. I think we have
18 attorneys for everybody. Everybody is back in the
19 room. Is there anything we need to discuss before
20 we bring the jury in? Mr. Beck?

21 MR. BECK: No, Your Honor.

22 THE COURT: How about you, Mr. Castle?

23 MR. CASTLE: Your Honor, I filed a motion
24 in limine just a few minutes ago about any more
25 inferences that my client had a hit out on Gerald

1 Archuleta. We've reviewed the discovery. There's
2 no personal knowledge of any of that. There's some
3 rumors. I think the Court already ruled in the
4 James hearings that hearsay statements, at least one
5 they offered, wasn't admissible. It's not listed as
6 a bad act or even res gestae.

7 THE COURT: All right. Are y'all going to
8 attempt to bring out of any those statements,
9 Mr. Beck? How about with Mr. Lujan?

10 MR. CASTLE: I should have asked earlier.

11 MR. BECK: Yeah, I --

12 THE COURT: Why don't you approach?

13 MR. COOPER: Let's approach.

14 THE COURT: Why don't you approach before
15 you do, and that will give me a few -- I'll try to
16 get a copy of the motion and look at it.

17 All right. Ready to go?

18 (The jury entered the courtroom.)

19 THE COURT: All right. Everyone be
20 seated.

21 Mr. Lujan, I'll remind you you're still
22 under oath.

23 THE WITNESS: Yes.

24 THE COURT: Mr. Beck, if you wish to
25 continue your direct examination of Mr. Lujan, you

1 may do so at this time.

2 MR. BECK: Thank you, Your Honor.

3 THE COURT: Mr. Beck.

4 BY MR. BECK:

5 Q. Mr. Lujan, when you were brought into the
6 SNM in 1993, can you tell the jury a little bit
7 about the structure?

8 A. At that time at the South facility, it was
9 Ramon Clark, Billy Garcia, Julian Romero, and
10 Dan Dan Sanchez, the older Dan Dan Sanchez, that
11 were pretty much running the show there at the South
12 facility. And when -- the structure was: Pretty
13 much everybody was getting high, doing a lot of
14 heroin at the time, and anytime heroin was coming
15 into the facility, no matter who was bringing it in,
16 SNM was going to get a part of it.

17 Q. Okay, and --

18 A. And most of the time it was Ramon Clark,
19 Billy Garcia, and Julian Romero that were taking an
20 issue -- a part of that.

21 Q. Let me ask you a few things there. So I
22 think you talked about Ramon Clark, Billy Garcia,
23 and Julian Romero. Was there a jefe or an overall
24 leader of the gang?

25 A. At that time, they were pretty much all

1 equal. But I think Ramon Clark is the one that had
2 a little bit more pull than anybody there.

3 Q. How about -- have you heard the name Angel
4 Munoz?

5 A. Yeah, Angel Munoz was the jefe at that
6 time. He was the one running the whole show.

7 Q. So you talked about the leaders at the
8 South facility where you were. The jefe -- is that
9 the overall leader of the entire SNM Gang?

10 A. Yes, sir.

11 Q. Does each facility, then, each different
12 prison, have leaders within that prison?

13 A. Yes, sir. Whoever has the keys, the
14 llaves there at the time at that facility, that's
15 pretty much who's running the show.

16 Q. What are some of the rules of the SNM
17 prison gang?

18 A. A lot of rules are -- the biggest one is
19 what I'm doing right now, is: You don't snitch.
20 You know, that's the biggest one. And --

21 Q. What happens if you violate that rule?

22 A. You're going to get hit. You're either
23 going to get stabbed or get killed.

24 Q. What's another rule of the SNM Gang?

25 A. Some of the other rules is: You don't go

1 without -- you don't go without the structure of the
2 SNM unless you get permission from somebody higher
3 up to do something. If you do something without
4 permission, then that's another reason for you to
5 get hit. And a lot of times -- sometimes you --
6 depending on what you did wrong, you could either
7 just get a violation -- and a violation is that you
8 would just get beat up, you know, a couple of guys
9 would beat you up. And after that, it's done and
10 over with; it's over, you know?

11 Q. I want to talk about a few things you said
12 there. You talked about you don't do anything
13 without going higher up. I guess, have you heard
14 the term "put in work" for the SNM?

15 A. Yeah, you got to put in work for the SNM.
16 If you don't put in work, nobody is going to show
17 you any kind of respect.

18 Q. Okay. So when you're putting in work for
19 the SNM, is that what you were talking about, about
20 getting approval from the top? How does that system
21 work?

22 A. When you put in work, usually it's from
23 the higher tops, somebody from the higher top
24 actually to do something, and you don't do it, well,
25 then, that's considered a violation; or not taking

1 what he says. If you go -- if you go and do it on
2 your own, that's a no-no. That's a big no-no.

3 Q. You talked about violations. Are there
4 different levels of violations for things that
5 happen within the SNM?

6 A. It just depends. Like I said, if you're
7 not cooperating, you're not listening to what the
8 higher-ups are saying, it just depends. You know,
9 the violation is either going to be beat up or
10 they're going to -- they'll stick you, you know. Or
11 sometimes, too, there's PC. They'll tell you you've
12 got to get off the yard, you know.

13 Q. What does PC mean?

14 A. Protective custody.

15 Q. So you talked about someone telling you to
16 get off the yard. How does that interact with PC?

17 A. They're going to tell you to check it in.
18 When they tell you "check it in," they're telling
19 you to go into protective custody.

20 Q. What are some of the rules of membership
21 for the SNM?

22 A. Some of the rules are: You've got to sit
23 there and, you know, you've got -- if you're getting
24 heroin, if you're getting heroin within the S, no
25 matter if you're a carnal or what, you've got to

1 help out the brothers; you've got to sit there --
2 and some brothers are greedy, and they don't want to
3 help other brothers out. But you know, that's part
4 of it. Part of it is, if one brother wants to go do
5 a hit and he asks permission from the jefe, from who
6 is calling the shots, and he actually will go give
7 him esquina, well, then, you're supposed to go help
8 that brother out, and make sure that nobody is going
9 to overpower him when you're doing that hit.

10 Q. What do you mean by give esquina to
11 somebody?

12 A. That means to give him help when he's
13 going to go do a hit.

14 Q. I want to talk to you about drugs in the
15 SNM. I think you touched on this. What happens
16 when heroin is brought into a pod of SNM members?

17 A. Most of the time, if heroin is coming in,
18 you sit there and you help out, you help each other
19 out, and stuff like that. For example, I don't know
20 if I can say it, but let's go to Chris Garcia. A
21 lot of times, other brothers were protecting him
22 when he would bring in heroin. So that way, nobody
23 would go in there and bulldog them. Bulldogging is
24 where you go and overpower and take a portion away
25 from him.

1 Q. Let me ask you about that. Does the SNM,
2 in your words, bulldog non-SNM members if they have
3 drugs inside the prison?

4 A. Yes, sir. I've done it myself.

5 Q. What happens now if an SNM member brings
6 in heroin into the pod? Where is he expected to
7 distribute that?

8 A. Within the brothers, within the structure
9 of the SNMers. You know, he pretty much -- if he
10 hits 3 or 4, well, he's going to sit there and give
11 every brother that's in that pod -- they're going to
12 get a shot.

13 Q. In your experience, can someone become an
14 SNM member without putting in work or stabbing
15 someone if they bring in drugs?

16 A. Yes, sir.

17 Q. How did you feel about that when you were
18 in the SNM?

19 A. Me, I didn't really respect it, you know,
20 because me, I'm from the old school of the SNMers.
21 And when you come in back in the old days, you had
22 to hit somebody; you had to earn your bones, you
23 know. And bringing in heroin, I didn't respect it,
24 because that wasn't earning your bones.

25 Q. What happens if an SNM member is

1 disrespected in prison, or outside the prison?

2 What's happens if an SNM member is disrespected?

3 What's expected?

4 A. Well, it depends on who is disrespecting
5 him. If it's somebody without -- within the
6 organization, well, they'll either tell you to take
7 it into the cell and get it on with each other, and
8 that means fight it out with each other. Or if it's
9 without the structure, not in the structure of the
10 SNM, well, then if somebody disrespects you, you're
11 either going to stick him or beat him up or -- you
12 know, a lot of times, you know, the SNM at that
13 time -- you know, even probably now, if it's still
14 running or whatever, if somebody disrespects,
15 they're going to leave in a gurney.

16 Q. And is that incumbent upon all of the SNM,
17 or is it just the person who is disrespecting?

18 A. It's the person that disrespects.

19 Q. And what happens if the person who is
20 disrespected can't get to the person who
21 disrespected the S?

22 A. Then somebody within the SNM is going to
23 try and get to them, or somebody that wants to get
24 back in the good graces of SNM will try to get to
25 them.

1 Q. Does the SNM have any symbolism?

2 A. Yeah, there's a lot of symbolisms. There
3 is charra. There is the knight and the dagger with
4 the snake. There is the zia symbol with the S in
5 it. There is just putting SNM on you. There's a
6 bunch of different ways of doing it.

7 Q. What is a charra tattoo?

8 A. It's a Mexican lady. It's a Mexican lady.

9 Q. You talked about the zia symbol with an S
10 on it. Do you have the tattoo of the zia with an S
11 on it?

12 A. No, sir.

13 Q. Why not?

14 A. I've never put it on me. I got the
15 Mexican lady on me. And a lot of the older guys,
16 that's what they have, and that symbolizes it. A
17 lot of the youngsters don't know what that means,
18 but a lot of the old guys from the old Main and
19 stuff, the Santa Fe Main, that's what they put on
20 them, you know.

21 Q. When an SNM member hits the streets, gets
22 out of prison, what's expected of that SNM member?

23 A. Well, when you get out on the streets,
24 you're expected to make sure that the structure is
25 out there bringing in the drugs, making sure that

1 the carnals that are in the penitentiary -- if
2 they've got old ladies, girlfriends out or wives out
3 on the streets, that they're bringing in the drugs
4 and they're making sure that all that's going down.
5 Or if there is a rival gang, they're making sure
6 that that rival gang is paying what they have to
7 pay, their dues.

8 Q. Have you ever sold drugs on the street for
9 the SNM?

10 A. I sold a little bit of heroin, a little
11 bit of shards, meth.

12 Q. Where did you get those when you got to
13 the streets?

14 A. At the time, me and Mario Montoya, we
15 would get them from a girl -- her -- I think her
16 name was Patricia. Her connection was with Mexicans
17 and stuff, and she was Mexican. And that was our
18 connection. And a lot of times we would go with
19 her, and we were her pistoleros. And what that
20 means is, anytime that she would go pick up for
21 anybody, we'd go with her, and I'd be carrying a
22 .38, and Mario Montoya would be carrying a .40
23 Glock. So we were the ones that would look out for
24 her, to make sure that she got her stuff. And once
25 she got her stuff, we got our issue out of that.

1 Q. Is Mario Montoya also an SNM member?

2 A. Yes, sir.

3 Q. Did you ever get drugs from Christopher
4 Garcia when you went out?

5 A. Yes, sir.

6 Q. And did you then sell those drugs?

7 A. Yes, sir.

8 Q. You talked about earlier earning your
9 bones, assaulting Joe Kinney in 1993. Did you
10 participate in an SNM hit at the MDC after that?

11 A. Yes, sir.

12 Q. And what is the MDC?

13 A. MDC is the Metropolitan Detention Center
14 in Albuquerque.

15 Q. Who did you hit?

16 A. I hit an LC member, rival gang, and I hit
17 another rival gang out of Texas, from the Texas
18 syndicate.

19 Q. Let me ask you, the LC -- is that Los
20 Carnales, which was a rival gang of the SNM over the
21 years?

22 A. Yes, sir.

23 Q. Were you ordered by someone in the SNM to
24 hit that LC member?

25 A. At that time, no, I was -- somebody had

1 let me know that he was an LCer member, so that's
2 why I hit him, because at that time, it was -- we
3 were going to war with them; we were at war with
4 them.

5 Q. So is that what you might call an
6 automatic green light?

7 A. Yeah, it's an automatic green light.

8 Q. So being an SNM member, is that why you
9 hit the rival gang member?

10 A. Yes, sir.

11 Q. And you talked about, later on, I think,
12 hitting someone who was from the Texas syndicate?

13 A. Yes, sir. That was Pepe. I hit him -- I
14 called him to the back of the pod, and I hit him
15 with the bottom of the broom. And I think I -- he
16 had, like, 300-something stitches. I --

17 Q. Why did you assault him?

18 A. Because he was a rival gang from Texas.

19 Q. How did you know that?

20 A. The reason I knew that is because he had a
21 big old tattoo right here. He had a T and an S.
22 That was the dead giveaway.

23 Q. Was the Texas Syndicate also a rival gang
24 of the Sindicato de Nuevo Mexico?

25 A. Yes, sir.

1 Q. In 1998, did you commit a murder for the
2 SNM?

3 A. Yes, sir.

4 Q. Who did you murder?

5 A. I murdered Animal, and I think it's Felix
6 Martinez.

7 Q. Where did that take place?

8 A. That took place at the old BCDC. That's
9 the Bernalillo County Detention Center.

10 Q. Who ordered this murder?

11 A. At the time, it was Angel Munoz that
12 ordered the murder.

13 Q. Was he the jefe at the time?

14 A. Yes, sir.

15 Q. And who assisted you in this?

16 A. It was me and Freddie Munoz and Manuel
17 Benito.

18 Q. Do Frederico Munoz and Manuel Benito go by
19 any other names?

20 A. Freddie Munoz goes by Playboy, and Manuel
21 Benito goes by Panther.

22 Q. What happened?

23 A. You want me to explain the whole thing
24 that happened? Okay.

25 Q. Start from the beginning, how you got

1 together with Mr. Munoz and --

2 A. Prior -- we were there at the Bernalillo
3 County Detention Center. It was overflow, so they
4 moved us to Milan, over there in Grants. And while
5 we were there, Angel Munoz was there. And at that
6 time, we already knew that he was the one who was
7 calling the shots for the whole thing. Juan Baca is
8 the one that gave him the keys, that gave him the
9 whole show, because Juan Baca walked away, you know.

10 Q. So when you encountered Angel Munoz in
11 Grants, what happened?

12 A. Playboy had talked to him. We talked to
13 him through the window, and everything, and he had
14 ordered Playboy to hit Felix Martinez. And at the
15 time, I was right there with him, so we ended up
16 getting the same order.

17 Playboy told me that he wants me to help
18 him do this. And then we talked with Panther, and
19 we all three talked about it, and this and that, in
20 the yard and everything, because we were all
21 together there.

22 Angel Munoz was in a different part, so
23 that's why we talked to him through the window. And
24 so we got the order. And it just so happened that
25 we went back to Bernalillo County Detention Center

1 and they put us in 2 North. And we were in 2 North,
2 and I think it was B pod, if I'm correct. So we
3 were there housed in B pod, and --

4 Q. What happened when you were housed in 2
5 North, B pod at BCDC?

6 A. We started talking about hitting him,
7 because at the time we were getting high with him
8 with heroin, and he had tobacco and everything, and
9 we were smoking tobacco and stuff with him, and
10 doing shots of heroin, and this and that.

11 Q. So you and Mr. Munoz, Mr. Benito, and
12 Felix Martinez were all doing heroin and tobacco
13 together?

14 A. Yes, sir. And so me, Freddie, and Manuel
15 Benito -- we talked in the cell about how we were
16 going to do it, and everything. And me and
17 Manuel -- me and Frederico Munoz sat there, and
18 Frederico Munoz said that he would put the noose
19 around the guy's neck, and everything, have the rope
20 ready and everything. And because I used to wrestle
21 and stuff in high school and stuff, I told him that
22 I would grab him and everything, and bring him down
23 and stuff. And we told Manuel Benito, we told him
24 to just be the doorman, you know.

25 Q. And what is the doorman?

1 A. That's to keep watch, to just be at the
2 cell door and make sure nobody is going to come in;
3 and just keep watch, you know. So we decided to go
4 in there, and we go and we sit -- we go inside his
5 cell and we ask him to roll tobacco, a frajo, a
6 cigarette --

7 Q. What time of the day was it when you went
8 into Mr. Martinez' cell?

9 A. This had to have been --

10 Q. If you remember.

11 A. TV time. It had to have been a little bit
12 before evening.

13 Q. And then what happened when you all went
14 into Mr. Martinez' cell?

15 A. We went in, and Freddie Munoz sat on the
16 edge of the bunk. I sat on the windowsill. And if
17 I remember correctly, Manuel Benito was standing on
18 the wall, right there by the door. And I was
19 reading a book, I was reading a magazine, and
20 Frederico Munoz turns at me and he goes like this,
21 and I do the same thing to him. And once we did
22 that, we both jumped, and I grabbed Felix Martinez
23 at the waist --

24 MR. SINDEL: Could we have this narrative
25 interrupted by a question or so?

1 THE COURT: Well, do Q and A. But I don't
2 think it's been too bad. But let's do a little more
3 Q and A.

4 Let Mr. Beck ask another question here.

5 MR. BECK: Sure.

6 BY MR. BECK:

7 Q. Mr. Lujan, what happened when Mr. Munoz
8 nodded at you and you nodded him? What happened
9 next?

10 A. We both jumped at the same time, and I
11 grabbed Animal from the waist. And at the same
12 time, Federico Munoz put the rope around -- the
13 rope was made out of a sheet -- put the rope around
14 his throat, his neck, and I brought him down. And
15 at the same time, he's holding him and squeezing and
16 holding the rope. And I'm holding him, and he puts
17 his hands up and -- puts his hands up. I had to let
18 him go. So I grabbed his hands. And I'm not sure
19 if I broke his fingers, or anything, but he let go
20 right away of the rope, so Federico Munoz could get
21 the noose around real tight.

22 Q. What happened, then, when Mr. Munoz put
23 the rope around his neck?

24 A. Well, I went back down to grab, to hold
25 onto him, and Freddie Federico Munoz was holding on

1 tight. And Freddie Munoz started, he tells him,
2 "Viva Sindicato," and spits on him -- I think he
3 spit on him. And he's holding that rope real tight.
4 And I'm holding onto him. At that time he's already
5 urinating on me and everything. But his legs are
6 kicking.

7 And Manuel Benito comes and holds his feet
8 down. And so he's -- his feces, piss, everything,
9 came out and all that. And Frederico Munoz says,
10 "My hands are hurting. My hands are hurting." And
11 I told him in Spanish, "Damélo," and that means give
12 me. So I got it. And I got the rope. I got the
13 rope, and I tightened it, I think, two or three
14 knots to make sure that he wasn't -- that there was
15 no way that he would be able to get those knots
16 untied in time.

17 Q. What happened after you tied the knots?

18 A. After I tied the knots, Frederico Munoz,
19 Playboy, runs out, and Panther runs out -- Manuel
20 Benito -- they run out. And they run out, I get
21 Felix -- I get Animal's legs, and I put him -- he
22 was already dead. I already knew he was dead, you
23 know, because he stunk. His eyes were bulging and
24 his tongue was sticking out. And I put his feet,
25 his legs on the bunk. I put the pillow over his

1 face. And I took some of his hygiene, and I took
2 the little bit of tobacco. And I think I checked
3 his shoes to see if his syringe and the heroin was
4 there. And if I'm correct, I found both of them.
5 And I ran out and went into the cell. And after
6 that, after --

7 Q. Let me ask you, when did this happen?
8 What year?

9 A. This was in 1998.

10 Q. And after you killed Mr. Martinez in his
11 cell, were you found immediately by Corrections?
12 Were you apprehended immediately?

13 A. No, sir.

14 Q. What happened after you left the cell?

15 A. We went into the cell and everything, and
16 I think I came out and I see Mark Lugo, and I told
17 him -- because he had been asking me for my Filas,
18 and they're brand-new Filas. I told him, "Hey, you
19 want these Filas?" I'm not sure if he took them. I
20 think he did take them. I gave them to him. I
21 switched shoes with him and I put on his shoes, I
22 think. So maybe about -- we went and we started
23 watching TV and everything, and we're sitting there
24 watching TV.

25 Q. Let me stop you for one second. When you

1 say "Filas," were those your shoes?

2 A. Yes.

3 Q. After you gave Mr. Lugo your shoes, what
4 happened?

5 A. After that, all three of us would go sit
6 there, and we're watching TV on the table and
7 everything. And I think we were playing cards and
8 stuff.

9 And there was two black guys, a father and
10 a son. And we got word that they were there for
11 rape or something like that; there were charges,
12 they had some bad charges. And so everybody thought
13 that we were doing that to throw everybody off of
14 the killing. But that wasn't what happened. It
15 just so happened that we got word that those guys
16 had that -- them kind of charges, so we went to hit
17 them. And we started fighting with them. I went
18 and I grabbed, I think, the broom and everything.
19 And I pulled out a little shank that I had. If I
20 remember correctly, Freddie Munoz pulled out a
21 shank. Manuel Benito didn't have one. And we were
22 going at them guys, but they took off running. And
23 if I remember correctly, they took off running into
24 D pod, so we didn't get to get them.

25 Q. How long after this incident and after

1 Mr. Martinez was killed -- how long was it before
2 they discovered his body?

3 A. It had to have been a good, I'd say, five,
4 six hours, maybe even longer than that.

5 Q. Sure. Did you ever rape Mark Lugo?

6 A. No, I don't know where Mark Lugo came up
7 with that, but I never messed around like that.

8 Q. What happened -- what's the rule in the
9 SNM? You talked about the two black men. What
10 happens if someone has a rape charge or a sexual
11 offense charge?

12 A. That's a green light.

13 Q. Is it an automatic green light, like a
14 rival gang member?

15 A. It's an automatic green light.

16 Q. After the Animal murder, before 2001, did
17 you hit another LC member? Did you stab someone in
18 the neck?

19 A. Yes -- no, that's the only LC member that
20 I stuck was the one in the neck. I think I hit him
21 two or three times in the neck and I think four
22 times in the kidney area.

23 Q. All right. So is that the one we talked
24 about earlier?

25 A. Yeah, that's the one we were talking about

1 earlier.

2 Q. Sorry about that. Did you ever
3 participate in an assault with an SNM member who
4 told on another person?

5 A. Yes, sir.

6 Q. Tell us about that.

7 A. Apparently, me and Popeye and Low Down, we
8 were all there in the west side.

9 Q. Are Popeye and Low Down SNM members?

10 A. Yes, sir. We were there in the west side
11 jail, the west side county jail in Albuquerque, and
12 we were living in C pod. And we were sitting there
13 talking. And Arturo -- not Arturo Garcia, but
14 Arturo, he was a Cuban, but he was an SNM member.
15 He's the one that ratted on Frank Frost and David,
16 Chaparro's brother, for -- I don't know what it was,
17 but he ratted.

18 Q. Are Frank Frost and Chaparro's brother SNM
19 members?

20 A. Yes, sir. He had ratted on them and
21 everything. So he didn't -- he was up there on his
22 bunk, on the top bunk. And I know you guys are
23 going to probably think this is hilarious, right,
24 but I grabbed the bottom of the broom and you know,
25 because I got -- I don't know why, the bottom of the

1 broom, I guess the bottom of the broom is pretty
2 thick, and if you hit somebody, you're going to hurt
3 them, you know.

4 I grabbed the bottom of the broom, and me
5 and Popeye walked over there, and I just started
6 hitting the guy. And he fell off the top bunk, and
7 when he fell off the top bunk, that's when Popeye
8 started just pounding on him. And they had to come
9 in and get him and everything with a stretcher and
10 everything. They took him out on a stretcher and
11 everything, you know. He was beat up pretty bad.

12 Q. We talked about respect in the SNM. Do
13 SNM members -- in your opinion, does the SNM recruit
14 members who are strong or look strong?

15 A. Pretty much strong.

16 Q. Is that an important factor from the SNM
17 perspective?

18 A. You've got to be a person that is down to
19 do anything; and you know, if you have to do it,
20 you've got to do it.

21 Q. Is there a time in which you were involved
22 in a situation in which an SNM person or a person
23 who became an SNM member wasn't representing strong
24 and you went and talked to that person about it?

25 A. Yes, sir.

1 Q. Tell us about that.

2 A. That was Scotty -- I forget his last name;
3 he was from right here, from Cruces. We were all
4 living in the same pod. They had just recruited
5 him, brought him in and everything. But prior to
6 that, we all used to go into one cell -- there would
7 be like ten of us, and we'd all go into that cell
8 and have a free-for-all, and we'd all start punching
9 on each other, and this and that. And everyone
10 would start spanking him with hangers, and putting
11 pencils in the crack of his butt, and messing around
12 like that.

13 And finally, I just got mad and I told
14 him, "Look, dude. You're SNM now. You've got to
15 start representing like you're SNM, man. You can't
16 let these guys be doing stuff like that. You've got
17 to stand up to them."

18 And he did. He started standing up to
19 everybody, and -- you know?

20 Q. And why were you worried about him not
21 looking strong?

22 A. Because if he's representing SNM and he's
23 not strong and he's letting people punk him and push
24 him around and everything, then everybody is going
25 to do that to him, and he's just making SNM look

1 bad.

2 Q. Mr. Lujan, I want to talk to you about
3 some health issues that you've had. I understand
4 that you've got some physical health problems. Do
5 you also have mental health problems in your
6 history?

7 A. Yes, sir.

8 Q. And what are some of the diagnoses?

9 A. I suffer from PTSD from when I got shot.
10 I got shot five times at one time in a drive-by.
11 When I hear popping, any kind of popping or slamming
12 or something, I'll jerk; stuff like that. Sometimes
13 I'll have nightmares. And I got anger issues, but
14 I've never been diagnosed with bipolar or nothing
15 like that.

16 Q. Have you been diagnosed with intermittent
17 explosive disorder?

18 A. Yes, sir.

19 Q. How about antisocial personality disorder?

20 A. No, not that I'm aware of.

21 Q. Have you ever been diagnosed with
22 schizophrenia?

23 A. No.

24 Q. Do you have any problems with your memory?

25 A. No, sir.

1 Q. I'm going to show you Exhibit 95 at Bates
2 No. 8573. Mr. Lujan, this is your penitentiary
3 pack. Have you ever seen a penitentiary pack
4 before?

5 A. No.

6 Q. Is that your name and your New Mexico
7 Corrections Department inmate number?

8 A. Yes, sir.

9 Q. I'm going to take you to, as I said, Bates
10 8537. Do you recognize this as a judgment,
11 sentence, and commitment from 2007 for second-degree
12 murder?

13 A. Yes, sir.

14 Q. Was this for the murder of Felix Martinez,
15 or Animal, that we talked about earlier?

16 A. Yes, sir. Yeah, that's it.

17 Q. And were you sentenced to 15 years'
18 incarceration for that?

19 A. Yes, sir.

20 Q. I'll take you to Bates No. 8534. Do you
21 recognize this as a judgment and sentence for a
22 probation violation?

23 A. Yes, sir, I remember that.

24 Q. And this probation violation, this
25 judgment and sentence, you pled guilty at around the

1 same time that you pled guilty to the Animal murder;
2 right?

3 A. Yes, sir. When I pled guilty, I think
4 they gave me later habitual.

5 Q. So the sentence for this probation
6 violation ran concurrent to the time for the Animal
7 murder; is that right?

8 A. Yes, sir.

9 Q. And then Bates No. 8531. Do you recognize
10 this as your judgment, partially suspended sentence,
11 and commitment from 1999 for larceny with a firearm?

12 A. Yes, sir.

13 Q. For this guilty plea for larceny with the
14 firearm, were you sentenced to nine and a half years
15 with 18 months suspended for an eight-year sentence?

16 A. Yes.

17 Q. Then Bates No. 8529, please. Do you
18 recognize this as a judgment and sentencing
19 commitment from 1993 for unlawful taking of a motor
20 vehicle?

21 A. Yes, sir.

22 Q. And were you sentenced to one year and 18
23 months with 18 months' suspension for a one-year
24 sentence?

25 A. Yes, sir.

1 Q. Then Bates No. 8527. Do you recognize
2 this as a judgment, partially suspended sentence and
3 commitment from 1992 for conspiracy to commit
4 residential burglary?

5 A. Yes, sir.

6 Q. And were you sentenced in this case to 18
7 months plus one year as a habitual offender; one
8 year was suspended, for a total sentence of 18
9 months?

10 A. Yes, sir.

11 Q. And then Bates No. 8525, please. Do you
12 recognize this as a judgment and sentence from 1992
13 for attempted residential burglary?

14 A. Yes, sir.

15 Q. And when you pled guilty to that, were you
16 sentenced to 18 months' incarceration?

17 A. Yes, sir.

18 Q. I want to talk to you about agreeing to
19 cooperate with law enforcement. When was the first
20 time that you stepped away from the SNM, sort of,
21 and agreed to cooperate with law enforcement?

22 A. This was in 2007.

23 Q. In 2007, were you aware that Frederico
24 Munoz or someone was cooperating with law
25 enforcement regarding the Animal, Felix Martinez,

1 murder?

2 A. Yes, sir.

3 Q. Was that one of the reasons that you
4 decided to come forward and talk about the Animal
5 murder?

6 A. No, no. It wasn't because of that.

7 Q. Why was it you decided to walk away and
8 cooperate?

9 A. I just -- at the time, I started getting
10 sick and everything, and I was real, real sick, and
11 I just felt that people were stabbing me in the
12 back, you know, left and right.

13 Q. Why did you feel that way?

14 A. For one, me and Gerald Archuleta had a big
15 old falling-out, and that's when me and Billy Garcia
16 got real close. We got closer than what we were,
17 and then at the time --

18 Q. Let me ask you: Gerald Archuleta -- is he
19 also known as Styx?

20 A. Yes, sir.

21 Q. All right. And Billy Garcia -- do you see
22 him in the courtroom today?

23 A. Yes, sir.

24 Q. What is he wearing?

25 A. He's right there with the purple or blue

1 shirt.

2 MR. BECK: Let the record reflect that
3 Mr. Lujan identified the defendant Billy Garcia.

4 THE COURT: The record will so reflect.
5 BY MR. BECK:

6 Q. So you talked about you started to get
7 close to Mr. Garcia. What happened?

8 A. We started getting real, real close. And
9 at the time when all this had happened, I was in the
10 county jail with Billy Garcia. And prior to me
11 getting -- the detective coming and charging me,
12 prior to that, me and Billy Garcia were real, real
13 close. And I was apparently -- apparently, I was
14 his right-hand man and everything. And, well, we
15 were there in Seg 3 at MDC, and while we were there,
16 Billy Garcia was calling the shots, you know. And
17 Boxer, Ruben --

18 Q. Let me ask you a couple of questions
19 before we get there. Seg 3 at MDC -- is that
20 another pod in the Metropolitan Detention Center?

21 A. Yes, sir.

22 Q. By Billy Garcia calling the shots, what do
23 you mean, calling the shots?

24 A. He was running the show. He was
25 controlling everything.

1 Q. You talked earlier about a key-holder or
2 the llaves at a facility. Is that what you mean by
3 Billy Garcia calling the shots?

4 A. Yes.

5 Q. What happened at MDC when Billy Garcia was
6 calling the shots?

7 A. When we were there, we were in Seg 3, and
8 everybody was with Billy running with -- I mean, we
9 were all together right there. But everybody was
10 over there, "Amore, amore," telling us love, "We
11 love you, we love you," me and Billy Garcia and
12 Boxer, you know. So us three, we thought we were
13 tight, tight. And me and Billy lived right next to
14 each other, and everything, on the top tier and --

15 Q. Let me ask you, when you say, "Amore,
16 amore," is that a sign of respect within the SNM?

17 A. Yes, when you tell a brother "Amore,"
18 you're telling him "I've got love for you," you
19 know.

20 Q. And in Seg 3 of MDC, Boxer and others --
21 were they SNM members?

22 A. Yes. I'd say there was like about maybe
23 20 of us there at the time.

24 Q. "Twenty of us," 20 SNM members?

25 A. Twenty SNMers.

1 Q. And why were you at MDC? Were you going
2 back and forth to court?

3 A. Yes, sir.

4 Q. Why were you going to court?

5 A. At the time I was going to court in
6 McKinley County, I think it was. And they took me
7 back and forth. It was in Cibola County. It was
8 one of those counties that I was going back and
9 forth.

10 Q. And what happened --

11 MR. SINDEL: Excuse me. Could we have a
12 timeframe on this, please? I'm not sure I heard
13 that.

14 THE COURT: Do you mind getting one?

15 MR. BECK: Oh, sure.

16 BY MR. BECK:

17 Q. Was this in the 2007, 2008 time period?

18 A. This was 2007.

19 Q. All right. So when you were in 2007 at
20 MDC with Billy Garcia and they were showing you
21 love, what happened?

22 A. We were there, and everybody was telling
23 Billy and me and Boxer that they've got nothing but
24 love for us and they're riding with us. And when
25 they say they're riding with us, that means they're

1 down for us, they're down to do whatever we ask
2 them. And if Billy sits there and orders something,
3 they're going to do it, you know. And if not,
4 something is going to happen, you know.

5 So we're there and everything, and
6 everything is going good. And Gerald Archuleta
7 drives up. He was in detox for three days, and he
8 drives up to Seg 3. And when he comes up, they put
9 him upstairs with us. And he goes to his cell, and
10 then walks to the phone, and when he walks to the
11 phone, he can't get through. So he comes to my
12 cell.

13 Q. What does he say to you when he comes to
14 your cell?

15 A. He comes to my cell and he asks me for a
16 pen. And when he asks me for a pen, I told him, you
17 know what, like this -- excuse my language and
18 everything, I told him, "What's this shit?" I said
19 that, "I hear you put a green light on me." And
20 that means a hit, you know.

21 And he tells me, "No, no, no, I didn't do
22 it."

23 And I told him, I said, "What's this shit
24 that you put that green light on Popeye?" They gave
25 Popeye a hotshot, you know?

1 So he denies it, and he says, "No, no."
2 And I told him, "I ain't got nothing for
3 you."

4 MR. CASTLE: Objection, Your Honor,
5 hearsay.

6 THE COURT: Hold on. I think we're
7 getting into hearsay. Sustained.

8 MR. BECK: Sure, Your Honor.

9 BY MR. BECK:

10 Q. So after Gerald Archuleta, Styx, comes to
11 your cell, what does he do then?

12 A. He leaves my cell and goes straight to
13 Billy Garcia's cell, and Billy tells him right away,
14 "Get the fuck out of here."

15 Q. Without telling us what he said --

16 A. Excuse my language, but that's exactly
17 what he said.

18 Q. That's all right. Did he say it in an
19 excited tone of voice?

20 A. No, like anger; like right there at the
21 cusp of anger.

22 Q. And so after that exchange with
23 Mr. Archuleta and Mr. Garcia, what happened?

24 A. A little after that, I get out. I think I
25 bond out, or I get out on the 30-day rule on one

1 ruling, some kind of ruling, or I bond out. I get
2 out and I'm out for, I think, 45 days. And that's
3 what that did -- if I'm correct, it was going back
4 and forth to Cibola County. Because my mother is
5 the one that bonded me out. And I was at Cibola
6 County.

7 I get out, and I'm only out 45 days, and I
8 get arrested, and I go back to the county jail, to
9 MDC. And when I go back this time, I go back, but
10 they put me in Seg 4.

11 Q. Who was with you in Seg 4?

12 A. If I remember correctly, Speedy was there,
13 John Martinez.

14 Q. Were these other SNM members?

15 A. Yes, sir.

16 Q. All right. And what happens when you're
17 locked back up in Seg 4?

18 A. I'm there in Seg 4. And then all of a
19 sudden, I think maybe about three or four days after
20 I'm in Seg 4, Billy Garcia -- they move him into Seg
21 4, but they don't put him on the tiers with us.
22 They put him on the long tier, on the long top tier.

23 Q. So Seg 4 -- this is still another tier?

24 A. Yeah, it's another pod.

25 Q. Hold on one second, Mr. Lujan.

1 A. Sorry. I get all --

2 Q. Is Seg 4 -- is this another tier within
3 the Metropolitan Detention Center?

4 A. Yes, sir.

5 Q. And so after they put Mr. Garcia in the
6 cell up there in Seg 4, what happens?

7 A. They bring him in and they put him up on
8 the top tier. And I'd say about ten minutes later I
9 get a kite, which means a note. I get a note, and
10 in the note, in the kite, it says that Billy -- it
11 says Wild Bill --

12 Q. Hold on one second. Is this kite or
13 letter -- is that a small note that you get within
14 the prison?

15 A. Yeah, and it came from Seg 3 into Seg 4
16 through the door that separates the pods.

17 Q. All right. And based on what was in this
18 letter or this kite, did you then afterwards talk to
19 Mr. Garcia about it?

20 A. No. I told everybody --

21 Q. Don't tell us what was in the kite. But
22 what happened after you received the kite?

23 A. I told all the other brothers that were
24 there on the two short tiers to treat him the same
25 because we don't know what's really going on,

1 because --

2 Q. You told them to treat Mr. Garcia the
3 same?

4 A. Yeah, to treat him the same, because we
5 don't know what's going on.

6 Q. All right. And then we started this off
7 by you saying that you felt like you'd been thrown
8 under the bus by some other brothers. What
9 happened?

10 A. At that time, I was getting sick, and all
11 that and all that, and throwing up and everything,
12 and this and that. But the detective that came,
13 that they were going to hit me with that charge of
14 first-degree premeditated capital murder and
15 stuff --

16 Q. So while you were in Seg 4 at MDC, a
17 detective came and told you that they were looking
18 at you for murder; is that right?

19 A. Yes, sir.

20 Q. And what event was that based on?

21 A. He said they had DNA on me.

22 Q. For what murder?

23 A. For the murder of Felix Martinez.

24 Q. And then what happened?

25 A. I go back and I tell -- I tell the

1 viejo -- that's what I call him a lot of times --

2 Q. That's what you call who?

3 A. Billy Garcia. Most of the time -- I broke
4 out of that habit because I'd been away from it for
5 so long. I would refer to him as the viejo, and
6 that means old man.

7 Q. So what happened after the detective came
8 and told you he was looking at you for murder?

9 A. I told him they were indicting me, they're
10 hitting me with that murder, you know. And right
11 away he starts telling me to take it to trial, you
12 know. So I start going to court, and they keep
13 doing -- or they keep canceling the courts every
14 time I would go, you know, and I would go and I
15 would tell Wild Bill, I would tell the viejo -- I
16 would tell him, I would sit there and tell him,
17 "Hey, man, they want to hit me with this murder and
18 everything."

19 And by then I had already found out that
20 Freddie Munoz was going to give evidence -- put
21 state evidence against me. And Billy just kept
22 telling me: "Take it to court, take it to trial."

23 And I was, like, you know, why does this
24 guy keep telling me take it to trial? And I'm
25 telling him this guy is over here going to testify

1 against me.

2 So by then, that's when I started feeling
3 that I thought that he was turning on me and, like,
4 stabbing me in the back, you know. I was feeling
5 like, you know, what's up with this, you know.

6 Q. Is it fair to say that you thought that
7 Mr. Munoz would provide damaging testimony against
8 you in that trial?

9 A. Yes, sir.

10 Q. And what happened after this discussion
11 with Mr. Garcia?

12 A. After that, I had been asking Jason Ellis
13 from the STIU there at MDC -- I'd been asking Jason
14 Ellis to move me to Seg 3. So he did. He moved me
15 to Seg 3. I go to Seg 3, and I'm the only one there
16 by myself.

17 Q. Just to make sure we're clear, what is
18 STIU?

19 A. That's the gang unit. That's the gang
20 unit there.

21 Q. And what happens after the gang unit,
22 STIU, moves you to Seg 3?

23 A. They move me to Seg 3. And I'm there by
24 myself, out of the ones that were tight with Billy
25 Garcia, the viejo. I was the only one who was there

1 that was tight with him. And I went over there to
2 represent to -- you know, show them that, hey, he's
3 still got somebody backing him up, you know.

4 So I go and I start getting real sick and
5 everything. And at that time that I was there,
6 Gerald Archuleta, Styx; Boxer, that's -- Boxer is
7 Amador; they call him Amador. I think that's his
8 name. And his brother Willie, and Lino, and all of
9 them same guys that were telling Billy and me that
10 they had nothing but love for us were there. And
11 they were all talking shit to me and coming off the
12 wall, and they would --

13 Q. So let me ask you. Had the attitude
14 changed from the time when you and Mr. Garcia were
15 in Seg 3 without Mr. Archuleta till now, afterwards,
16 when Mr. Archuleta was there?

17 A. I was kind of, like -- I was doubting
18 Billy already. You know, I was already on that,
19 where I was doubting him, because he kept trying to
20 push me to go to trial on that.

21 Q. And I think my question was after this,
22 after you went to Seg 3, were now people that were
23 there with Mr. Archuleta, were they sort of
24 disrespecting you?

25 A. Yeah, they would come to my cell and say

1 they were going to hit me. If the door pops open or
2 anything, that they were going to hit me. And that
3 means that they're going to come in and try to harm
4 me in some kind of way. So I would show them -- I
5 had a pen -- I had a pretty good, nice pen, and that
6 was my shank. And I would show it to them and tell
7 them, "If the door pops, I'm ready."

8 Q. And Mr. Lujan, after you saw this in Seg
9 3, at some point then did you go and want to talk to
10 law enforcement?

11 A. Yeah, I started getting real sick and
12 everything, and I was vomiting a lot, and
13 everything, and that's -- finally I just got tired
14 and I -- you know what? It's over, it's done, and I
15 called for Matt Candelaria.

16 Q. Who is Matt Candelaria?

17 A. He is the captain over there at MDC. He
18 don't work there no more. He's retired, but --

19 Q. Was he STIU?

20 A. Yes, sir. He was -- I think he was the
21 head of STIU. He was the captain of STIU. And so I
22 called for him, and everything, and he came and he
23 got me, him and Jason Ellis, and they took me to his
24 office. And that's when I started telling him, "You
25 know what, Matt, I'm done, dude. I'm tired of this."

1 I'm done. I'm ready to talk. I'm ready to give up
2 info. I'm done." I had enough, you know.

3 Q. So did you renounce the SNM and provide
4 them information?

5 A. Yes, sir. I sat there talking with them
6 for quite a while. And --

7 Q. And when was this, approximately, in 2007?

8 A. This was in 2007. This had to have been
9 either in, say, about around this time in 2007, or a
10 couple months into 2007 that this started going on.

11 Q. And after you spoke with Jim Ellis (sic)
12 and Matt Candelaria from STIU, were you then
13 interviewed by attorneys and state police?

14 A. Yes, sir.

15 Q. Did you provide them information about
16 things that you had done as an SNM member?

17 A. Yes, sir.

18 Q. After that, were you interviewed again by
19 different state police in the presence of
20 prosecutors that same year?

21 A. Yes, sir.

22 Q. And then over the years from 2007 until
23 approximately 2015, did you meet with FBI and
24 provide them information on occasion?

25 A. Yes, sir.

1 Q. And then in December 2015 were you
2 arrested in this case?

3 A. Yes, sir.

4 Q. Did you sit down and interview with FBI
5 agents or task force officers on December 3, 2015,
6 when you were arrested?

7 A. Yes, sir.

8 Q. And since that time, have you entered an
9 agreement with the United States and pled guilty to
10 the crimes with which you're charged?

11 A. Yes, sir.

12 Q. I will show you Government's Exhibit 98.
13 Mr. Lujan, do you recognize this as your plea
14 agreement with the United States in this case?

15 A. Yes, sir.

16 Q. And then if we go to the next page, do you
17 see in paragraph 3 that you waived your rights and
18 pled guilty to Counts 1 and 2 of the superseding
19 indictment charging violent crimes in aid of
20 racketeering activity, murder, and aiding and
21 abetting?

22 A. Yes, sir.

23 Q. And in paragraph 4A, what sentence are you
24 facing as we stand here today?

25 A. I'm facing a life sentence.

1 Q. All right. As part of that plea
2 agreement, did you also -- well, let me go to page 7
3 of that plea agreement, paragraph 14. As part of
4 the agreement here, does the United States agree
5 that if you comply with this plea agreement and your
6 obligations in it, that the United States will not
7 bring any additional criminal charges arising out of
8 the facts forming the basis of that indictment?

9 A. Yes, sir.

10 Q. On that day, as part of your guilty plea,
11 did you also enter into an addendum with the United
12 States?

13 A. Yes, sir.

14 Q. If we can have Exhibit 99, please. I want
15 to direct your attention to paragraph 2, Mr. Lujan.
16 What do you agree to do in paragraph 2 of this
17 addendum?

18 A. Give truthful and complete information and
19 testimony concerning the defendant's participation
20 and knowledge of criminal activities.

21 Q. Do you understand that if you falsely
22 implicate an innocent person or if you exaggerate
23 the involvement of any person or if you falsely
24 minimize involvement of any person in the crime, you
25 violate this plea agreement?

1 A. Yes, sir.

2 Q. And you understand that if you do any of
3 those things, the United States has the right to
4 rescind the plea agreement and reinstitute
5 proceedings against you?

6 A. Yes, sir.

7 Q. And then the next page, please. Is that
8 your signature here in the middle line?

9 A. Yes, sir.

10 Q. And if we look at paragraph 6, Mr. Lujan,
11 if you cooperate, do you understand that that
12 paragraph provides that the United States may file
13 what we call a 5K motion to have the Court depart
14 downward from the guideline range or statutory
15 minimum sentence?

16 A. Yes, sir.

17 Q. And that would be your mandatory life
18 sentence; right?

19 A. Yes, sir.

20 Q. And do you understand that even if we do
21 that, the decision whether to depart downwards as
22 well as any amount of that departure is solely
23 within the discretion of the Court?

24 A. Yes, sir.

25 Q. So who makes the final determination of

1 what final sentence you'll get in this case?

2 A. The judge.

3 Q. Is that the same judge next to you, who is
4 listening to your testimony today?

5 A. Yes, sir.

6 Q. Now, in addition to that plea agreement
7 with the United States, have you also received other
8 benefits for your cooperation?

9 A. Yes, sir.

10 Q. Have you been paid for your cooperation?

11 A. Yes, sir.

12 Q. Excuse me. Have you been paid money by
13 the FBI as a confidential informant?

14 A. Yes, sir.

15 Q. And have you been paid approximately
16 \$1,750?

17 A. Yes, sir.

18 Q. Since you entered into that plea agreement
19 and the addendum, have you made telephone calls to
20 family members talking about your agreement to plead
21 guilty?

22 A. Yes, sir. I'm not sure if I've talked
23 about any guilty stuff or anything like that. I
24 might have talked to my cousin. And I think we
25 might have been talking about her husband. Because

1 her husband is involved with a lot of this, too, all
2 this RICO Act stuff. And I might have been nervous
3 and talking with her and stuff at Sandoval County.
4 But I don't remember talking to my mother or my
5 niece about it. And those are the only three people
6 I ever call.

7 Q. Okay. If you did talk to them about some
8 reduced sentence, why would you tell them that you
9 expect to receive a reduced sentence in this case?

10 A. I don't even -- like I said, I don't even
11 remember mentioning something like that. But if I
12 did, it might have been when this might have first
13 started.

14 MR. SINDEL: Your Honor, how could he say
15 what he would have done? I think that's a
16 conclusion; speculation on the part of the witness,
17 what he would have done. And he said he didn't
18 remember.

19 THE COURT: Well, why don't you --

20 MR. BECK: I think it's a permissible lay
21 opinion under 701. He can say why he would have
22 done something. He's the one that knows that.

23 MR. SINDEL: I also believe it's
24 self-serving.

25 THE COURT: Well, it may be and I'll let

1 you go into it on cross. But I do think he can say
2 why he did certain things. Overruled.

3 BY MR. BECK:

4 Q. Sorry. So my question to you was: Why
5 would you have told a close family member that you
6 expected to receive a reduced sentence?

7 A. Maybe it could have been me hoping that --
8 maybe I wanted that to happen, or you know, I was
9 hoping for that.

10 Q. And to be fair, do you hope to receive a
11 lesser sentence?

12 A. Yes, sir.

13 Q. And what's required of you to have a
14 possibility of a lesser sentence than life?

15 A. To cooperate.

16 Q. Is it to give truthful testimony?

17 A. Yes, sir.

18 Q. And as of now, unless you complete your
19 cooperation pursuant to the plea agreement we just
20 had, as of now, are there any promises that you'll
21 receive a reduced benefit -- or a reduced sentence?

22 A. No, sir.

23 Q. While you've been cooperating, have you
24 had problems with some of the facilities you've been
25 placed in?

1 A. Yes, sir. When I was over there, when we
2 got to Otero County, right away, right as soon as we
3 got off the bus, right away you could feel the
4 tension with me and everybody else that went. There
5 was, I think, what, 25 of us that went to Otero
6 County. And you could tell right away that I was
7 the outsider. And right away, Billy Garcia started
8 hugging everybody. And at that time he was pretty
9 much -- a lot of the people wanted to get him,
10 wanted to hit him. They wanted to move on him, too.
11 But that's what tripped me out, because he went and
12 hugged everybody, but yet, he knew he was an
13 outsider, as far as they wanted to hit him, too, you
14 know.

15 Q. Mr. Lujan, I want to take you to -- since
16 the time you entered that plea agreement in 2017,
17 did you have problems in Deming recently?

18 A. In Deming, yes, sir, when they let me out
19 to one of the pods, and there was -- the whole pod
20 was nothing but Mexicans. There was only, I think,
21 five or six of us that spoke English. And they
22 weren't letting us watch the football games and
23 stuff, and --

24 Q. What happened then?

25 A. The officer -- she went to go get a

1 schedule, and the Mexicans, they didn't like that
2 schedule. So they all gathered up. And when I seen
3 that, I took that has a threat. And when I took
4 that as a threat, I got my cane and I went at them.
5 I didn't hit nobody or nothing, but I went at them.

6 Q. And in Sandoval Detention Center, after
7 May of 2017, did you have problems in that facility?

8 A. Yes.

9 Q. What happened?

10 A. Over there in that facility, I broke a TV
11 and I broke my tablet. And then I think I broke
12 another TV, but -- and I cut my wrist.

13 Q. Why did you do that?

14 A. I did that a little bit. I'd been at
15 Deming in Luna County for about six months, so it
16 was, like, about a week before that. And prior to
17 that I hadn't cut in two years, you know. And the
18 reason I cut -- what happened is, an officer that
19 used to work at the mental health treatment center
20 where I was, and used to beat me up and stuff when I
21 would be sedated a little bit, they would rough me
22 up a little bit, and this and that. I didn't
23 remember who he was. And he started telling me: Do
24 you remember? Do you remember? And I started
25 remembering. And we just started -- we didn't

1 click. And so I broke that TV for that one.

2 And me and Sergeant Otero got in a big old
3 argument, and that's the thing that I broke my TV
4 and the tablet.

5 Q. And then at Cibola County, what happened
6 at Cibola County?

7 A. In Cibola County I was in a pod where they
8 were supposed to put me where -- I was supposed to
9 be protected, in protective custody, but they had me
10 at Seg for some reason over there. And they put me
11 at Seg. And I heard a CO and an inmate talking, and
12 the CO was going to let the inmate come out to move
13 on me, to hit me.

14 And, you know, as you can see, I walk with
15 the cane. And I've got a lot of multiple surgeries
16 in my stomach and stuff like that. I'll defend
17 myself if I have to, but I ain't trying to start
18 nothing with nobody. So I got all paranoid and
19 everything. And I called the sergeant and I told
20 him. This happened at about 2:00, 3:00 o'clock in
21 the afternoon. I told him that I didn't feel
22 comfortable where I was, and everything, that if
23 they could move me, and they didn't want to move me.

24 Q. So what did you do after they wouldn't
25 move you?

1 A. I had to threaten to cut myself. And
2 finally at 2:00 in the morning they go and put me on
3 watch. They put me in a turtle suit, and all that,
4 and put me on watch.

5 Q. What does putting you on watch mean?

6 A. Well, they put you in the suicidal cell.

7 Q. Over the years, have you -- and by "over
8 the years" I mean since the time you've been
9 incarcerated, since back in 1993, have you cut
10 yourself, or your medical problems, to try to get
11 moved to different facilities to get medical
12 treatment?

13 A. I've cut myself, but it isn't to be moved
14 to different facilities.

15 Q. Why is it?

16 A. I've cut myself, because a lot of times --
17 first in 2008, I got real sick over there in that
18 PNM North facility. And when I was there, I was
19 real, real sick, and everything, and nobody wanted
20 to believe me and everything. So finally, they put
21 me in medical, and they put me there for three days.
22 And I'm throwing up. I can't keep water or nothing
23 down at all. They put an IV on me and for three
24 days they put me back there. And then finally, they
25 see that I'm keeping a little bit of apple juice and

1 stuff like that down.

2 So they put me back in my pod. And not
3 even 24 hours later, I start vomiting again real bad
4 and everything. And I call a CO and I tell them,
5 "Hey, look, man, I'm sick, dude. They've got to do
6 something."

7 And he just walked away and was walking
8 out the pod. And I grabbed the TV and I threw the
9 TV at the door, and it shattered, and there was
10 glass there. And I cut my legs, I gashed my legs
11 pretty bad.

12 Q. What happened after you cut your legs?

13 A. They took me to St. Vincent's Hospital.
14 And sure enough, when I went to St. Vincent
15 Hospital, I had a minor bowel obstruction, and I was
16 suffering from H pylori. That's Helicobacter
17 pylori. It's a disease that gets in your stomach,
18 and if it's not treated on time, and everything, it
19 can turn into cancer.

20 Q. So is that an example of cutting yourself
21 to seek and receive medical treatment?

22 A. Yes, sir. And I've had to do it multiple
23 times.

24 Q. I want to turn your attention now to the
25 Southern New Mexico Correctional Facility in 2001.

1 A. Okay.

2 Q. Were you incarcerated at the Southern New
3 Mexico Correctional Facility in 2001?

4 A. Yes, sir.

5 Q. And approximately when did you move down
6 to the Southern correctional facility?

7 A. It had to have been in 2000. Because I
8 was in RDC in '99, and yeah, that's when I met my
9 second wife. She was a nurse there in RDC, and they
10 found out that she was writing me, and this and
11 that, and she wasn't -- they did a big
12 investigation. Mr. Roark, the one that's the head
13 of security of Corrections right now, Mr. Roark, he
14 was a lieutenant at the time. They all did a big
15 old investigation. They saw that she wasn't
16 bringing me drugs or anything, and so --

17 Q. So Mr. Lujan, I'm going to show you what's
18 been admitted now as Government's Exhibit 97.

19 A. Okay.

20 Q. This is an offender physical location
21 history from the Department of Corrections. Is that
22 your inmate number and your name at the top there?

23 A. Yes, sir.

24 Q. And if we go to page 5 of that, please, so
25 if we look at this document, were you moved to the

1 Southern New Mexico Correctional Facility about
2 April of 2000?

3 A. Yes, sir.

4 Q. And I want to talk to you about March of
5 2001. At that time were you housed in the Paul
6 housing unit, B pod, in 1172?

7 A. I believe so.

8 Q. When you were down there in 2001, let's
9 say from the April 2000 time period until the
10 beginning of March, who were the key holders at
11 Southern?

12 A. At that time, it was Lino G. I forget the
13 last name. But it was Lino. We called him Sexy
14 Walker, because he had -- there was something wrong
15 with his feet, something -- I think he was missing
16 on both feet half of his toes or something like
17 that, and he had a walk that was pretty crazy, so we
18 would call him Sexy Walker.

19 So he was there at Southern. He was the
20 one that was holding the keys. And then next to him
21 was Butch. And after that, it was pretty much them
22 two that was holding the keys, but there was other
23 people that had weight, too. T Bone was there, and
24 he had weight. Who else was there at the time? Let
25 me see.

1 Q. And are all these SNM members that you're
2 listing?

3 A. Yes, sir.

4 Q. At some point in time, did Lino G give
5 away the keys? Did someone else come and take over
6 the key-holder position?

7 A. Not that I'm aware of. At that time, no.
8 Because Sleepy had made a move on somebody without
9 Lino and their permission, without letting Lino G or
10 Butch know that he was going to do that move. And
11 he went and did the hit anyway and hit that guy,
12 stabbed him. And that's when Lino G and Butch --
13 they both went and told -- I think it was Captain
14 Armenta at the time.

15 Q. Mr. Lujan, so I understand that Lino G and
16 Butch and T Bone were down there. And then as we
17 move to March 2001, did Mr. Garcia arrive at
18 Southern?

19 A. I think so, yeah. They put him in L pod
20 at that time. That was the orientation pod.

21 Q. What happened when Mr. Garcia came down to
22 Southern?

23 A. Everyone got nervous right away.
24 Everybody was on their toes because they knew
25 something -- they knew he was pissed off and they

1 knew something was going to happen.

2 Q. By "everyone being on their toes," do you
3 mean all of the SNM members?

4 A. Yes, sir.

5 Q. I think you said they put him in L pod.
6 What happened? Why was he put in L pod, and was he
7 moved out?

8 A. L pod was the orientation pod at that
9 time, and I think you had to be there for, like,
10 three days.

11 Q. And what happened after Mr. Garcia moved
12 out of L pod?

13 A. After they moved him out of L pod, they
14 moved him into R pod, if I'm correct. It was the Ps
15 or the K pods, but I know it was either P-2 or K-2,
16 one of those.

17 Q. I'm going to show you Government's Exhibit
18 860. Do you recognize this, Mr. Lujan, as an aerial
19 view of the Southern New Mexico Correctional
20 Facility?

21 A. Yes, sir.

22 Q. And where is L pod, if you know?

23 A. L pod is way, way -- like way over here
24 somewhere. The old pods are over here and L pod is
25 over here somewhere, and those are the Paul pods.

1 Then after the Paul pods are the K pods somewhere.

2 Q. All right. And I think you said that --
3 where were you housed at this time?

4 A. Okay. It had to have been P-2, P-2. It
5 had to have been P-2, because P-1 is right there.

6 Q. So if we look at -- I think you said P-2,
7 and here on Government's Exhibit 860 I just circled
8 that in red under where it says "Paul 1"; is that
9 right?

10 A. Yes, sir.

11 Q. At some point was Mr. Garcia moved into
12 your pod?

13 A. Yes, sir.

14 Q. What happened when Mr. Garcia moved into
15 your pod?

16 A. When he moved into our pod, everybody that
17 was in there, who -- which was Carlos Mirabal; Blea,
18 who goes by Gumby; Smurf, I don't know his last
19 name. Scotty was in there. There was a few others.
20 Carlos Sanchez. We were all in there in that pod.

21 Q. Are those SNM members that you just listed
22 off?

23 A. Yes, sir. All SNM members. Pretty much
24 the whole pod was SNM members. Everybody,
25 everybody -- when he moved in there, right away they

1 started hugging him and this and that, and amore,
2 hugging him, telling him, "I love you, amore," this
3 and that. Me, I sat in my cell because I knew he
4 was going to talk to me. I knew something was up
5 right away, you know.

6 Q. Let me ask: What was Mr. Garcia's
7 position in the SNM at this time?

8 A. Oh, as soon as he got to that facility, he
9 was the man.

10 Q. Why is that?

11 A. Probably he was the heavy one, you know,
12 because he had that power, you know.

13 Q. And so by the man calling the shots, he
14 had that power, do you mean that -- we talked about
15 the key-holder earlier.

16 A. He was running the show. He had the
17 llaves. He had the keys.

18 Q. So I think you said that you thought
19 Mr. Garcia was going to come and talk to you. Did
20 he ever go talk to you?

21 A. Yeah, he came into my cell. I was sitting
22 there, you know, and I think I was drawing,
23 listening to some music, listening to the radio.
24 And I was just sitting there. I was sitting on my
25 bunk, if I'm correct. And he walks in, and the

1 first thing he tells me, excuse my language, but he
2 tells me, "What the fuck? Hey, I told -- I sent
3 word over here for you to take the keys from Lino G,
4 man, you know."

5 Q. What did you understand that to mean?

6 A. Right away, to be the shot-caller at that
7 facility. "Take away the keys" means to be the
8 shot-caller.

9 Q. What did he say after he said he sent word
10 for you to take the keys from Lino G?

11 A. Well, he said that he had sent word. He
12 had sent a palabra. That's a word -- palabra,
13 that's how we say word to each other. And he said
14 he had sent word, palabra, with Earn Dog from the
15 North facility, to me to take the keys away from
16 Lino G.

17 When he said that, I told him I never got
18 that palabra; I never got that word. Nobody ever
19 told me nothing, you know. And so we just left it
20 at that and he said, "Amore," this and that, and
21 started just talking, you know.

22 Q. Was Earn Dog another SNM member at the
23 Southern New Mexico Correctional Facility at that
24 time?

25 A. Yes, sir.

1 Q. And was there anyone else in the cell with
2 you at this point?

3 A. No, it was just me and him.

4 Q. And what happened in the rest of that
5 conversation?

6 A. We just sat there and just talked about
7 how -- what was going on over there in Southern, in
8 the Southern facility, and you know, just
9 bullshitting, pretty much, you know. That's
10 because, you know, we didn't get -- after that
11 little bit of conversation, you know, it eased up
12 and, you know, we were just how we always are with
13 each other.

14 Q. At some point did you and Mr. Garcia talk
15 about people at Southern who needed to be hit?

16 A. Yeah, we talked a little bit inside my
17 cell about certain people. He said that we needed
18 to start cleaning house, cleaning the backyard, you
19 know. And when you say "cleaning house" or
20 "cleaning the backyard," that means start hitting
21 people, your own people, though. Not anybody else.
22 Just within the organization. That's it. Just
23 within the organization.

24 Q. All right. What happened after he told
25 you you needed to clean house and clean the

1 backyard?

2 A. We just started talking, and this and
3 that, and we both started talking and we both
4 started saying names and, you know, we would say
5 names. And either I would sit there and say,
6 "Fucker, he's" -- excuse my language -- "that
7 fucker's a piece of shit, or he's on the leva." And
8 on the leva, that means that he ain't no good, you
9 know.

10 Q. So when you're saying that someone is a
11 piece of shit or someone is on the leva, does that
12 mean that they're no good and they need to be hit?

13 A. Yeah, there's something about them;
14 there's -- you know -- so we just started sitting
15 there and we just started saying about cleaning
16 house and cleaning the backyard and stuff like that.

17 And after that conversation, we just
18 didn't talk about it. And then the subject -- the
19 subject all of a sudden changed, came to Pancho and
20 Looney. I don't know how it came to Pancho and
21 Looney, but it came to that, and --

22 Q. What did you talk about with Pancho and
23 Looney?

24 A. Right away he said that -- because when we
25 were talking, we were talking about cleaning the

1 backyard and cleaning -- he was talking about doing
2 one big old hit at one time, but then all of a
3 sudden he changed his mind, and it came to Pancho
4 and Looney. And he said that he wanted to wait and
5 get high over the weekend, because I guess he hadn't
6 gotten high over at the North. I don't know. But
7 he said that he wanted to wait till after the
8 weekend, because he wanted to get high and shit,
9 because that was his thing. That was the viejo's
10 thing back then, you know.

11 Q. And then what would happen after he got
12 high over the weekend?

13 A. That's when, pretty much, we talked in the
14 yard about Pancho and Looney. He said that Pancho
15 was a rat, and the conversation before -- before he
16 had even said about Looney being an ex-LCer, word
17 had already got around that Looney was an ex-LCer,
18 so it was already -- you know, Looney was already
19 not on the leva anyway, you know.

20 Q. So let me stop you there. When you first
21 talked about Pancho and Looney, did that happen in
22 your cell or out in the yard?

23 A. I think it was in my cell.

24 Q. Afterwards, did you then go out to the
25 yard and continue or have another conversation?

1 A. Yes, sir. I'm not sure if it was that
2 same day or the day after, but it could have been in
3 that time period that we went out to the yard,
4 and --

5 Q. And is this conversation at the yard -- is
6 that when Mr. Garcia was talking about Pancho and
7 Looney and Pancho being a rat and Looney being, I
8 think you said, an ex-LCer?

9 A. Yes, sir.

10 Q. And what does it mean to be -- I think we
11 know -- what does it mean to be a rat?

12 A. That's an automatic green light.

13 Q. What does it mean to be an ex-LCer?

14 A. That's an automatic green light.

15 Q. What else did Mr. Garcia tell you in the
16 yard in this conversation?

17 A. We talked. He wanted -- he put the
18 brakes -- and in our term -- in our term, when you
19 say "put the brakes," that means a stop, you know,
20 boom, an automatic boom, an automatic no on any kind
21 of green lights. And all he wanted to concentrate
22 on was Pancho and Looney, was Frank and -- I don't
23 even remember Looney's first name. But he wanted to
24 concentrate on those. And he said -- he just kept
25 saying that Pancho was a rat and, you know -- and I

1 was, like, he said about Pancho being a rat at the
2 Main or something. And I was like, you know, if
3 that's what -- you know, that's what's up.

4 Q. And in this conversation did you talk
5 about when and how the murders were going to happen?

6 A. Yes, sir.

7 Q. And what did Mr. Garcia say about that?

8 A. I don't know how it came up or how the
9 conversation started, but he just -- we came to the
10 point where he wanted them strangled. He wanted
11 them done in the same way that we did Animal, you
12 know. He wanted them both done that way, in that
13 way. Because if I remember, because my memory
14 comes -- sometimes, like I told you before, I'll be
15 sitting there, and I won't remember and then all of
16 a sudden it will hit me.

17 I remember before we had talked to Joe
18 Gallegos, and Joe Gallegos wanted to give him a
19 hotshot, and Billy, Wild Bill, told him right away,
20 "No, no," you know. And then that's when we were --
21 the conversation kept on and kept on about the
22 strangulation part.

23 Q. Let me ask you that. You said he wanted
24 to do it the way that you did Animal, you and
25 Frederico Munoz. Did you strangle Animal?

1 A. Yes, sir.

2 Q. And is that what you understood Billy
3 Garcia to mean?

4 A. Yes.

5 Q. Did he tell you anything else in this
6 conversation in the yard?

7 A. When we were -- no, he just kept -- he
8 just kind of, like -- we just did that right away
9 and talked about it, and --

10 Q. After this conversation in the yard, did
11 you then go back to your cell and continue talking
12 there?

13 A. No. I'm not sure. I don't think so. I
14 don't think so.

15 Q. Did Mr. Garcia ever tell you or order you
16 to then go assign people to kill Pancho and Looney?

17 A. The last conversation that we had prior to
18 everything happening is when the viejo told me --
19 that's when he had like explained when he wanted it
20 done, and he told me to go ahead and choose who I
21 wanted to do it. In other words, that's pretty much
22 an order, you know, and if I wouldn't have followed
23 through, then it would have been me to get hit.

24 THE COURT: Mr. Beck, would this be a good
25 time for us to take our lunch break?

1 MR. BECK: Fine, Your Honor.

2 THE COURT: All right. We'll be in recess
3 for about an hour. All rise.

4 (The jury left the courtroom.)

5 THE COURT: All right. We'll be in recess
6 for about an hour.

7 (The Court stood in recess.)

8 THE COURT: I think we've got an attorney
9 for each defendant, and all the defendants are in
10 the courtroom.

11 On Mr. Castle's motion that he filed, I
12 need to study this more, but it looks like the
13 thrust of it is they're criticizing the Government,
14 and want me to keep out evidence because it's 404(b)
15 and there was no prior evidence. Is that a good
16 summary?

17 MR. CASTLE: Yes. And that they don't
18 have any basis for it other than hearsay or rumor.

19 THE COURT: I don't have enough from the
20 Government and knowledge to make a ruling on that.
21 So can you give me some -- did you give notice on
22 this? And it looks like it might be 404(b). So I'm
23 a little -- I don't have enough, probably, facts to
24 rule on it. So in your spare time, tell me the
25 basis of it.

1 MR. BECK: Sure. Yes.

2 THE COURT: Just approach before you go
3 into it.

4 Is there something else I was going to
5 say?

6 Okay, all rise.

7 (The jury entered the courtroom.)

8 THE COURT: All right. We'll need to get
9 Mr. Lujan in. And y'all have told him. Y'all got
10 him moving this way?

11 MR. BECK: Yes.

12 THE COURT: All right. Mr. Lujan, if you
13 want to return to the witness box here, and I'll
14 remind you, Mr. Lujan, that you're still under oath.

15 THE WITNESS: All right.

16 THE COURT: All right. Mr. Beck, if you
17 wish to continue your direct examination of
18 Mr. Lujan, you may do so at this time.

19 MR. BECK: Yes, Your Honor.

20 THE COURT: Mr. Beck.

21 BY MR. BECK:

22 Q. Mr. Lujan, when we left off right before
23 lunch, you were talking about the end of the
24 conversation in the yard. Before speaking with
25 Mr. Garcia, did you know the information about

1 Pancho and Looney, and why they needed to be hit?

2 A. No, I just knew the information about
3 Looney, because it was already before Billy had even
4 got to Southern. Everybody had already been talking
5 about it, you know.

6 Q. And Looney, is that Rolando Garza --

7 A. Yes, sir.

8 Q. And the information was that he was
9 previously an LC member?

10 A. Yes, sir.

11 Q. Now, for Pancho, is that Frank Castillo?

12 A. Yes, sir.

13 Q. And what did Mr. Garcia tell you about why
14 he needed to be hit?

15 A. He just said that he was a rat. And that
16 was pretty much it, you know.

17 Q. So did Mr. Garcia, in this conversation in
18 the yard -- did he tell you what time of the day to
19 order the other SNM members to hit these two men?

20 A. Yeah, he wanted it done early, early in
21 the morning, bright, early.

22 Q. And so what happened after Mr. Garcia told
23 you to pick teams to go and hit Pancho and Looney?

24 A. After that, I went -- I think it was the
25 next day, went to education, and Eugene Martinez was

1 in there, and I pulled him over and I took him
2 around the education, inside the education, because
3 we had class together, you know. So I took him
4 inside the education, and we went around into one of
5 the halls, and I took him, like, to the back hall.
6 And I let him know, and I told him, I told him,
7 "Hey, check this out, man. I'm choosing you. Billy
8 wants this done, and I'm choosing you. He told me
9 to choose who I wanted. And I'm choosing you to
10 take care of Looney, you know." I told him, "I want
11 you to hit Looney, you know."

12 Q. Give me one second. I want to come back
13 to that. Mr. Lujan, I'm going to show you what's
14 been admitted as Government's Exhibit 110.

15 A. Okay.

16 Q. Who is this?

17 A. That's Eugene Martinez.

18 Q. Is this the gentleman that you had the
19 conversation with in education?

20 A. Yes, sir. He goes by Little Huero.

21 Q. I want to show you Government's Exhibit
22 860. Where is the education building in this,
23 Southern?

24 A. I think, if I'm correct, they were coming
25 from the P's. It's down here somewhere.

1 MR. SINDEL: I can't hear him mumbling.

2 THE COURT: I don't think he's saying
3 anything.

4 A. I was trying to figure it out, because
5 it's been a while since I've been at that facility.
6 I think, if I'm correct, education is right here.

7 BY MR. BECK:

8 Q. So is that the big building that I've
9 circled in red?

10 A. Yes, sir.

11 Q. And when you talked about having the
12 conversation in the yard with Billy Garcia,
13 Mr. Garcia, about Pancho and Looney, where did that
14 conversation happen? Where is the yard in this?

15 A. Okay. If I'm correct, this is the gym
16 area, and here is the yard over here. This is the
17 yard.

18 Q. So that's on the left part of that picture
19 there?

20 A. Yes, sir.

21 Q. And did you ever -- did somebody ever tell
22 you that they had you on video talking with
23 Mr. Garcia in the yard that day?

24 A. Prior to me going to Virginia, being
25 shipped out to Virginia, to Wallen Ridge, when that

1 stuff happened with Pancho and Looney, a CO took me
2 and he showed me some of pictures of Frank Castillo
3 after he was killed and everything, and showed me
4 some, and he shared some Copenhagen with me, and
5 everything. And he mentioned something about being
6 on camera, you know.

7 And at that time, I pretty much believed
8 it, because STG, at that time, they would be up on
9 the gym with the cameras, taking pictures of all of
10 us, watching everything we were doing.

11 Q. Did you ever see a video of you and
12 Mr. Garcia out in the yard?

13 A. No, sir.

14 Q. So the only reason you thought that, it's
15 fair to say, is because the CO told you that?

16 A. Yes, sir.

17 Q. Getting back to the conversation with
18 Eugene Martinez in the education building there,
19 what did you tell him?

20 A. I just told him, I told him that Billy
21 wanted Frank and wanted Looney hit and everything,
22 but he gave me permission to choose who I wanted.
23 He pretty much -- like it was pretty much an order.
24 But we talked about it and he told me to choose who
25 I wanted to choose. So I told -- I told Eugene, I

1 told Little Huero, I told him that I was choosing
2 him, because he lived in that pod with him, you
3 know.

4 Q. Had Eugene Martinez earned his bones yet?

5 A. He had did a few things, but he hadn't
6 really earned his bones, from my understanding. At
7 that time, he hadn't really earned his bones.

8 Q. Why did you choose Eugene Martinez to do
9 it?

10 A. Because I'm the type of person that, you
11 know, if you hadn't earned your bones, I'm not going
12 to treat you with the respect that you deserve, you
13 know. So I chose him so he could earn his bones.

14 Q. Did you tell him that the order was coming
15 from Wild Bill?

16 A. Yes, sir.

17 Q. And what did Eugene Martinez say to you
18 after you told him?

19 A. At first, he was like a little -- he was a
20 little nervous about it, and everything. But he
21 said -- he tells me, "Don't even trip. Don't worry.
22 It will be done, you know."

23 And when I told him, when we talked, when
24 me and Eugene talked, when I talked to him, I told
25 him he can choose whoever he wants to help him.

1 Q. Did you talk to anyone else about -- well,
2 let me ask you, who was Eugene living with? Who was
3 he tasked to murder?

4 A. Excuse me?

5 Q. Who was Eugene tasked to hit?

6 A. He was part of the Garza murder.

7 Q. And then what happened next in relation to
8 the Pancho and Looney murders?

9 A. After that I -- we left, we had our class,
10 and then we had our education, left. I think it was
11 later on that evening, I think it might have been
12 later on that evening or the afternoon after that, I
13 approached Joe Gallegos. It was Joe Gallegos,
14 Criminal, and Angel -- not Angel Munoz, it was
15 Angel -- the one on the whatchamacallit -- DeLeon.
16 I think that's his last name.

17 Q. Angel DeLeon?

18 A. I approached him. And if I'm correct, I
19 know Sleepy was with me, Rick Sandoval. And then I
20 think Huero Troup was standing either next to Joe or
21 right behind Joe. And I approached them and I left
22 them three -- I talked to Joe personally,
23 face-to-face talking to Joe. And I told him -- I
24 approached him the same way I pretty much approached
25 Eugene, and told him: "This is coming from Wild

1 Bill you know, but he chose me to choose who I
2 wanted, and I'm choosing you guys." And I chose Joe
3 Gallegos, Criminal, and Angel. And I told him that
4 they got to hit Pancho. And Huero Troup was
5 standing there and he heard everything that was
6 going on. And if I'm correct, if I remember
7 correctly, I think he even wanted to volunteer. But
8 I didn't want him to, because I didn't trust him,
9 because at the time he was pretty much on the
10 leva -- and I explained what that meant earlier --
11 and he was pretty much -- a lot of guys didn't
12 really trust him at the time, and stuff.

13 Q. Mr. Lujan, I'm going to show you
14 Government's Exhibit 860 one more time. Where did
15 the conversation with Joe Gallegos, Criminal, Angel
16 DeLeon, Edward Troup, and Sleepy, Rick Sandoval,
17 take place?

18 A. I think if this is P-1, this is P-1 and
19 this is F-2, right in this area it took place.

20 Q. Do you see Joe Gallegos in court today?

21 A. Way over there.

22 Q. What is he wearing?

23 A. He's wearing a blue shirt and a suit with
24 a tie.

25 Q. Is he the one that just stood up?

1 A. Yes, sir.

2 MR. BECK: Let the record reflect that
3 Mr. Lujan identified the Defendant Joe Gallegos.

4 THE COURT: The record will so reflect.
5 BY MR. BECK:

6 Q. Is this the Joe Gallegos that you told --
7 that you told about the Castillo murder in 2001?

8 A. Yes, sir. Sometimes I have a hard time
9 recognizing him, because back in them days he had
10 all of his hair; all of us did, you know.

11 Q. And do you see Huero Troup in the
12 courtroom today?

13 A. I'm looking. Let me see. I really don't
14 see him. I don't recognize him, to tell you the
15 truth.

16 Q. Sure. No problem.

17 A. I was looking for him and his attorney,
18 because I know what they look like, but --

19 Q. That's all right. We'll get there.

20 What happened in this conversation outside
21 of the Paul 1 housing unit?

22 A. Well, like I said, I approached Joe
23 Gallegos, and it just so happened that Criminal and
24 Angel were right there, you know, and Huero Troup
25 was right there, too, and --

1 Q. Sorry. Go ahead. You were there in the
2 conversation. What did you say to them?

3 A. I told Joe, I told him -- I told him
4 pretty much the same thing as I told Huero, that
5 Wild Bill wanted Pancho hit. But he gave me
6 permission to choose who I wanted to choose. So I
7 told Joe, "I'm choosing you." And I told Criminal
8 I'm choosing him. And I told Angel the same thing,
9 that I was choosing him, you know. And Huero Troup
10 was -- if I remember correctly, Huero Troup was
11 standing there, and he wanted to volunteer. And I
12 told him no. I told him no. I remember that.

13 Q. Did you tell -- did you speak with
14 Criminal, Joe Gallegos, and Angel DeLeon about how
15 and when they were supposed to kill Pancho?

16 A. Yes, sir. I told them that Wild Bill
17 wanted it by strangulation early in the morning.
18 And Joe immediately right away said, "Well, let me
19 give him a hotshot. He don't want us to give him a
20 hotshot?"

21 And I shut him down. I shut him down
22 right away. I told him, "No, that's not how he
23 wants it. He wants it done by strangulation."

24 And then I'm pretty sure I might have used
25 the word "we" want it done by strangulation.

1 Q. All right. What is a hotshot, if you can
2 explain it?

3 A. A hotshot is pretty much heroin laced with
4 something that will kill you.

5 Q. And at the time, did you know Joe Gallegos
6 to be somebody who had heroin in prison?

7 A. Yeah.

8 Q. You said that you might have said, "We
9 want it done by strangulation." Let me ask, if you
10 hadn't followed Billy Garcia's orders, and picked
11 teams out to hit Pancho and Garza, what would have
12 happened to you?

13 A. He probably would have put a green light
14 on me, put a hit on me.

15 Q. Is that sort of a rule of the SNM you
16 talked about earlier?

17 A. Yeah, yeah.

18 Q. At the time, were you a good SNM soldier,
19 and did you want Pancho and Looney murdered?

20 A. Yeah. Well, if it came from Billy or
21 anybody that I thought that had a push within the
22 SNM, that were shot-callers or whatever, I would
23 follow what they asked.

24 Q. I'm going to show you what's been admitted
25 as Government's Exhibit 185.

1 A. Okay.

2 Q. Do you recognize who is in that photo?

3 A. That's Troup, that's Huero Troup.

4 Q. Is that the Huero Troup you've been
5 referring to that was in the conversation with you
6 and Joe Gallegos and Criminal outside of Paul 1
7 housing unit?

8 A. Yes, sir.

9 Q. After you told Joe Gallegos, Criminal, and
10 Angel that you wanted it done by strangulation, what
11 happened?

12 A. All three of them were already -- like I
13 said, I was choosing people that hadn't earned their
14 bones. I was choosing people that hadn't earned
15 their bones yet. And when I told them, they got
16 nervous, they got nervous and everything. But they
17 said they would do it. They said they were down.
18 And I said, "All right," you know. So I just told
19 them that we wanted it done by strangulation, we
20 want it done that way, you know; that that's how
21 Wild Bill wants it done.

22 Q. I think we talked about before you've
23 given interviews to state police and Corrections and
24 the FBI. Do you remember that?

25 A. Yes, sir.

1 Q. In 2007, when you were interviewed by APD
2 and the district attorney, did you tell them about
3 this conversation with Joe Gallegos, Criminal, and
4 Angel DeLeon?

5 A. Yes, sir, I believe so.

6 Q. All right. In prison and in the SNM, did
7 you refer to the gentlemen by their names? For
8 instance, Frank Castillo and Rolando Garza? Or did
9 you refer to them by their nicknames, Pancho --

10 A. It was probably by their nicknames,
11 because that's the way I pretty much know everybody.
12 I don't know a lot of the SNMers by their names. By
13 their nicknames I know them. Or if I see a picture,
14 I'll know who it is.

15 Q. So how did you know Joe Gallegos? Did you
16 know him as Joe Gallegos, or Joe, or --

17 A. Joe Gallegos, that's Joe. Everybody just
18 called him Joe.

19 Q. So the first time you were asked about
20 this, in 2007, did you identify him as Joe Castillo?

21 A. I might have, because I was nervous in
22 that interview. I was nervous, and everything,
23 because I had never been through anything like this
24 before. And I was pretty, pretty nervous.

25 Q. But is the gentleman -- well, to be fair,

1 you were being asked about Frank Castillo's murder
2 at that time; right?

3 A. Yes, sir.

4 Q. And so if you identified him as Joe
5 Castillo, is that because you were confused?

6 A. Yes, sir.

7 Q. Do you know that the person you were
8 referring to is the Joe Gallegos you just pointed to
9 in court here?

10 A. Yes, sir.

11 Q. Do you know that Joe Gallegos has a
12 brother named Frankie G?

13 A. Yes, sir.

14 Q. Did you point that out to the interviewer
15 in 2007?

16 A. I believe so.

17 Q. So let me make sure I've got this right.
18 Who did you task to hit Looney or Rolando Garza?

19 A. I asked Eugene Martinez to hit Looney.

20 Q. And then for Pancho, Frank Castillo, who
21 did you ask?

22 A. It was -- for Frank Castillo, it was Joe
23 Gallegos, Criminal, and Angel DeLeon.

24 Q. Did you also put in place teams that would
25 hit those SNM members if they didn't go through with

1 the murder?

2 A. Yes, sir.

3 Q. And do you remember some of the folks who
4 you had --

5 A. I picked Sleepy, who -- his name is Rick
6 Sandoval. I picked him. I picked Smurf. I picked
7 Gumby. And I picked -- I picked Scotty. I can't
8 remember all of them, but those are a few of the
9 names that I picked.

10 Q. Is Smurf Leroy Lucero?

11 A. No, not the one from Las Vegas.

12 Q. A different Smurf?

13 A. Yeah, the Smurf I'm referring to, he lives
14 in Anthony, New Mexico.

15 Q. Did you have these other SNM members --
16 I'm going to call them the backup hit teams -- did
17 you have them place shanks in the yard, just in case
18 they would need them?

19 A. Yes, sir. They were already on that.
20 And, yes, I had them do that. Most of the guys that
21 I chose already lived in the pod where me and Billy
22 Garcia were.

23 Q. What happened next, in your mind, in
24 relation to these murders after you talked to
25 Criminal, Joe Gallegos, and Angel DeLeon?

1 A. After that -- it was the weekend, because
2 I think all this happened maybe Wednesday or
3 Thursday that I started picking those guys, and
4 doing all that. And that's when the viejo and Billy
5 wanted -- that's when Billy said, "Let's wait till
6 the weekend so I can get high and everything, and
7 have this done Monday morning."

8 I said, "All right." So I let those guys
9 know pretty much what time they wanted, you know.

10 So Monday morning, get up, and me and
11 Billy, we go to the kitchen and we eat breakfast and
12 we go to -- there's -- in Southern at that time, in
13 the facility, there was like a laundry, and we had
14 to go pick up our toilet paper and all that. But it
15 hadn't been opened yet.

16 And me and Billy, me and the viejo, we
17 were standing right there, and we were just standing
18 there, kicking back, and all of a sudden, boom, a
19 code went off. We started seeing COs running over
20 there to the P units. And we both knew what it was,
21 you know. And we looked at each other, you know.
22 We just looked at each other. That's it. And all
23 of a sudden from the P's, they went to the O units,
24 so we knew it was both simultaneous. We knew that
25 it got done.

1 Q. The P and the O units -- is that where
2 Rolando Garza and Frank Castillo were housed?

3 A. Yes, sir. Frank Castillo was in P-1, is
4 where he got hit, and Garza was in I think O-1 or
5 O-2. I'm pretty sure it was O-1.

6 And right after that they called a
7 lockdown. And I never saw Billy again. I didn't
8 see Billy till all this happened.

9 Excuse me. If I'm correct, I think over
10 there in that pink or purple shirt, like a violet
11 shirt, I think that's Huero Troup right there.

12 MR. BECK: Let the record reflect that
13 Mr. Lujan identified the Defendant Edward Troup.

14 THE COURT: The record will so reflect.

15 MR. BECK: May I have a moment, Your
16 Honor?

17 THE COURT: You may.

18 BY MR. BECK:

19 Q. I'm going to show you, Mr. Lujan, what's
20 been identified as Defendants' Exhibit Y2. Do you
21 recognize who is depicted in that photograph?

22 A. Yes, that's Angel DeLeon.

23 Q. Now, I'm going to show you what's been
24 marked for identification purposes as Government's
25 Exhibit 885, and just tell me if you recognize who

1 is in that photograph without saying his name. Just
2 yes or no?

3 A. Yes.

4 MR. BECK: All right may we approach, Your
5 Honor?

6 THE COURT: You may.

7 (The following proceedings were held at
8 the bench.)

9 MR. BURKE: Your Honor, this was a
10 prophylactic objection regarding 885, because that's
11 Jaramillo.

12 THE COURT: Okay.

13 MR. BURKE: I don't want anything --

14 THE COURT: Well, am I at the Rubicon?

15 MR. BURKE: I think we're certainly
16 inching up on it.

17 THE COURT: Let me tell you -- and I've
18 been thinking about it all morning, and I read
19 Mr. Davidson's memo over the weekend -- I do think
20 I'm going to conclude that the statute does require
21 in this case the United States to disclose its
22 witnesses three entire business days, not including
23 holidays and weekends, in advance. I think that's
24 the way I will construe the statute. So part of the
25 opinion that deals with that construction is going

1 to make that construction. And so the Government
2 wouldn't comply with that.

3 As I indicated on Friday -- I think it was
4 Friday -- the thing was struggling with
5 Mr. Davidson, and I pointed out to him what the
6 remedy is. As we know from the face of the statute,
7 there is no remedy to the violation. And I,
8 therefore, have to consider what the remedy should
9 be. I've concluded that exclusion is not an
10 appropriate remedy in this case. I think that's too
11 Draconian in this case. I know the defendants have
12 made arguments that they would have approached
13 certain things in this case differently. But I
14 don't think that they would have approached it
15 differently, because even if the Government had put
16 Mr. Jaramillo upon the witness list as a may-call,
17 they still at that time didn't know what his
18 testimony would be. So I don't think that they
19 would have done anything or much differently than
20 what they had, in fact, done.

21 I think the remedy that is appropriate
22 here is what I have done so far, and what I will
23 continue to do, if that's necessary and the
24 defendants requested, is push this evidence down so
25 the defendants have more time to deal with

1 Mr. Jaramillo. I think we're probably to the point
2 that we've done all we can. But I think that the
3 situation is that this is too high of a cost to --
4 the seeking function, to exclude this witness, and
5 that the violation of the statute can be dealt with
6 by pushing the testimony down to make sure that the
7 defendants are fully prepared to deal with it. And
8 I think we've probably dealt with that situation.
9 If the defendants think they need more time or want
10 more time, I'll probably bend over backwards to try
11 to accommodate that. But I don't think exclusion is
12 the appropriate remedy.

13 So while I am going to find that the
14 statute applies, that there was inadvertent
15 violation of the statute, I think the remedy is
16 still left to the discretion of the Court, as it is
17 in many situations of this nature. And I think
18 juggling the evidence and the sequencing of evidence
19 is more appropriate here than exclusion of a witness
20 of this nature, particularly given that it is a
21 witness that was known to all sides before the trial
22 started.

23 So my ruling will be that I will not
24 exclude him, but I'll continue to work with the
25 defendants, if necessary, to help them, if there is

1 any prejudice to them.

2 MR. BURKE: I want to make a very brief
3 record. There is no help, no help that this Court
4 can give the defense of Edward Troup that would be
5 satisfactory. None. I know to a degree of 100%
6 certainty that I would have given a totally
7 different opening.

8 They lingered and were dilatory in
9 bringing Mr. Jaramillo to the table. I never
10 expected in the middle of trial they would have
11 given him Kastigar immunity, and make him who is now
12 the pivotal witness in Count 1. And so the idea
13 that this will be anything but unfair is not right.

14 And what I'd like to do is give another
15 opening statement, and I'd like to have Cori
16 Harbour-Valdez do a different voir dire. I never
17 expected this. And I can prove it because we have
18 our list of division of witnesses; we never, ever
19 listed Jaramillo. We would have tried this case
20 completely differently.

21 I know the Court wants to keep moving, and
22 maybe at the break I can make a further record. It
23 just is very, very unfair.

24 MR. BENJAMIN: Your Honor -- and on behalf
25 of Mr. Gallegos, the Court saw my opening, I have

1 statements that I would have used that would have
2 put -- essentially that I would have dealt with
3 Lujan and Jaramillo side by side on some slides.
4 And my team talked to Mr. Jaramillo in 2016. And so
5 I just think at this point in time the Court was
6 correct, we relied on this idea that the defense is
7 now being, for lack of a better term, shattered.

8 MR. CASTLE: Just so my silence is not
9 interpreted as a waiver, I'd like to make my record
10 at a later time.

11 THE COURT: So I guess the pending issue
12 is, I should go ahead and admit Y2 and 885.

13 MR. BECK: I think Y2 is in. Mr. Burke
14 said he was going to object, so I wanted to raise
15 it. I think we can -- I mean, it's admissible
16 regardless of the outcome of the other issue with
17 Mr. Jaramillo, but that's why I --

18 THE COURT: Are we certain that Y2 is
19 already in?

20 MR. BECK: I'm not. But my assistant is.
21 And she's much better. But if not, I'll move to
22 admit it now.

23 MR. SINDEL: Your Honor, if I may be
24 heard.

25 THE COURT: Let me ask Ms. Bevel, can you

1 see if Y2 has been admitted?

2 Go ahead, Mr. Sindel.

3 MR. SINDEL: It would be -- the argument
4 that this was inadvertent would be much more
5 convincing to me if they had said -- if they had
6 either requested leave to file a new witness list or
7 made clear that they had omitted that from their
8 list. But that was never addressed at all. And I
9 think that if they had come to this Court and said:
10 We would like leave before opening statements to
11 amend our witness list, this Court might have been
12 able to do so without any abuse of discretion, if
13 the Court so chose. But they never really disclosed
14 it.

15 And to say that having read that name on
16 the second list, when everybody is doing all kinds
17 of work preparing for opening statements, you know,
18 looking at the jurors, trying to, you know, do all
19 that, all those jobs, as if we couldn't hear one
20 name in, what, 184 names, I just don't -- it doesn't
21 really ring true that that was inadvertent. They
22 could have solved that issue quite easily by being
23 open and candid about it.

24 THE COURT: So I will go ahead and admit
25 Y2 and 885.

1 MR. BECK: And Y2 has not been entered
2 yet. Thank you.

3 (The following proceedings were held in
4 open court.)

5 THE COURT: All right. Mr. Beck, I think
6 you moved the admission of Y2 and 885, Government's
7 Exhibits. I guess that's Defendants' Exhibit Y2;
8 correct? And that comes in without opposition. And
9 885 comes in with opposition. But I'll admit them
10 both.

11 (Defendants' Exhibit Y2 admitted.)

12 (Government Exhibit 885 admitted.)

13 MR. BECK: Yes, Your Honor.

14 THE COURT: All right. Mr. Beck.

15 BY MR. BECK:

16 Q. All right. Mr. Lujan, I'm going to show
17 you Exhibit Y2 once again. Mr. Lujan, who is
18 depicted in this photograph?

19 A. That's Angel DeLeon.

20 Q. And is this the Angel DeLeon, along with
21 Joe Gallegos and Criminal, who you told to kill
22 Frank Castillo?

23 A. Yes, sir.

24 Q. And now I'm going to show you what's been
25 now admitted as Government's Exhibit 885. Who is

1 this?

2 A. That's Criminal.

3 Q. So is this Criminal, along with Angel
4 DeLeon and Joe Gallegos, that you told to kill
5 Mr. Castillo?

6 A. Yes, sir.

7 Q. After the murders in March of 2001, were
8 you locked up with Defendant Christopher Chavez?

9 A. Yes, sir.

10 Q. Where did that happen?

11 A. I believe it was at the North.

12 Q. At the North?

13 A. PNM North. Sorry about that.

14 Q. So is that at the PNM North facility?

15 A. Yes, sir.

16 Q. And where did the conversation take place?

17 A. I believe it was in the 1-A, 1-A and 1-B
18 rec yard, where we go to rec there.

19 Q. May we see Exhibit 828, please.

20 Mr. Lujan, do you recognize this as the PNM North
21 facility?

22 A. Yes, sir.

23 Q. Where were you in the rec yard when you
24 had this conversation with Mr. Chavez?

25 A. It was at this, the one right here.

1 That's the 1-A and 1-B rec yard, if I'm correct.

2 Q. So that's the top left of the screen where
3 there are some metal cages depicted?

4 A. Yes, sir.

5 Q. And did this conversation take place in
6 approximately December 2004?

7 A. I believe so.

8 Q. What was the discussion that you and
9 Mr. Chavez had?

10 A. I think, if I'm correct, he was in the
11 basketball cage, and I was in the little cage next
12 to it, and I told him, "Gracias." And he knew what
13 I was talking about. He told me right away that he
14 didn't want to talk about it because he didn't want
15 nobody knowing. He knew what I was talking about.
16 It was the Looney murder.

17 Q. So to be fair, in this conversation you
18 told Mr. Chavez, "Gracias," and he said he didn't
19 want anybody to know?

20 A. And "Gracias" means thank you.

21 Q. And he didn't tell you that he knew you
22 were talking about the Looney murder?

23 A. No, he didn't tell me he knew what I
24 was -- no, he just told me straight up that he
25 didn't want nobody knowing nothing.

1 Q. All right. Do you see Mr. Chavez in this
2 room?

3 A. Yes, sir. He's back there in the gray
4 suit.

5 Q. What color tie does he have on?

6 A. I can't see his tie because he's leaning
7 forward. I guess it's like a silver, grayish.

8 MR. BECK: Let the record reflect that
9 Mr. Lujan identified the Defendant Christopher
10 Chavez.

11 THE COURT: The record will so reflect.

12 BY MR. BECK:

13 Q. After March of 2001, did you have a
14 conversation with the Defendant Joe Gallegos about
15 what you understood to be the Pancho and Looney
16 murders?

17 A. Just when I had told him then, because we
18 got locked down. They locked 16 of us down. And
19 I'm not sure if he was one of the first 16. I know
20 Christopher Chavez was. Who else was? There was 16
21 of us, and I can't remember exactly which 16. But
22 I'm not sure if me and Joe had a conversation after
23 the murders, you know.

24 Q. So you don't remember a conversation at
25 the PNM North Facility?

1 MR. SINDEL: I'm going to object to the
2 leading form. He says he doesn't remember the
3 conversation.

4 THE COURT: Well, he can probe just a
5 little bit. Overruled.

6 BY MR. BECK:

7 Q. If you don't, that's okay.

8 A. Yeah, at the North facility, I don't
9 remember. I remember having him -- I do remember
10 having a conversation with him over there in Otero
11 County, you know. And he just asked me -- he just
12 told me if I was staying strong. And I played it
13 off and told him I was.

14 Q. All right. And I may come back to that
15 with you, but we'll go on.

16 MR. BECK: Your Honor, may we approach?

17 THE COURT: You may.

18 (The following proceedings were held at
19 the bench.)

20 MR. BECK: So when earlier Mr. Lujan
21 talked about when he and Mr. Garcia were together at
22 MDC, during that time Mr. Garcia told Leonard Lujan
23 that he had ordered his nephew Baby Zack to hit
24 Styx.

25 THE COURT: And y'all are covering up your

1 screens and everything before you come up here;
2 right?

3 MR. CASTELLANO: Yes, mine is covered,
4 Your Honor.

5 MR. BECK: And so we talked earlier about
6 Mr. Castle's motion. So I'm not -- we're not
7 contending that this is anything other than -- at
8 this point I think it's -- I think it's related to
9 racketeering activity because of the division in the
10 SNM that we've been hearing so much about, and the
11 SNM activity. But we're not -- at least I don't
12 think -- and Mr. Castellano may correct me if I'm
13 speaking out of turn -- I don't think we believe
14 that there was a conspiracy other than with Baby
15 Zack and Wild Bill to hit Gerald Archuleta. But I
16 think that this is an admissible statement,
17 admissible as a statement by a party opponent and as
18 racketeering activity against Mr. Garcia.

19 THE COURT: The only thing I guess I'm
20 concerned about is Mr. Castle's point that this is
21 404(b) evidence, and they didn't get the proper
22 notice from the Government on it.

23 MR. BECK: Sure.

24 THE COURT: That's my concern. How do I
25 get this out of being 404(b) and into something

1 else? And I'm not sure I have enough information to
2 shove it out of 404(b) and into either racketeering
3 or anything like that.

4 MR. BECK: I think the Court has heard a
5 great deal of information about Mr. Archuleta sort
6 of taking the SNM in a direction where it was
7 against Mr. Garcia and those who followed him;
8 followed Mr. Garcia, that is. In this case, it
9 would be Mr. Garcia's part of the SNM retaliating
10 against Gerald Archuleta, the leader of the SNM, so
11 it would be SNM versus SNM hit. I think it could go
12 to the disrespect element. So I think those are
13 probably the two arenas where this would fit into
14 racketeering activity. But I do concede it's a
15 closer call than we've seen.

16 THE COURT: Let me do this. Let me think
17 about it a little bit. If I decide that I'm going
18 to let it in, you can bring it up in redirect, and
19 then I'll give the defendants an opportunity to.
20 But right at the moment, I want to think about what
21 you just told me. Because, you know, before we
22 started this afternoon, I didn't think there was
23 enough to shove it out of the 404(b). Let me think
24 about it and refresh my memory.

25 MR. CASTLE: Could we just have a little

1 bit more? What exactly is he going to say?

2 THE COURT: What do you want him to say?

3 MR. BECK: I think what he's going to say
4 is that when they were locked up in MDC together,
5 Mr. Garcia, Billy Garcia, told Leonard Lujan that
6 after he talked to Gerald Archuleta about the hit on
7 Julian Romero and the hit on Frank Castillo, then
8 Billy Garcia got his nephew, Baby Zack, to try to
9 hit Styx.

10 MR. CASTLE: That sounds personal, not
11 SNM-related, even if he --

12 THE COURT: Well, I'm concerned it may be
13 admissible as 404(b), but then I think we've got a
14 notice issue here.

15 MR. BECK: Right. And so I mean, again,
16 where it fits into the SNM and the racketeering
17 activity is: We've heard a litany of the Billy
18 Garcia side and the Gerald Archuleta side; and that
19 Gerald Archuleta is against the Billy Garcia side.
20 This is the Billy Garcia side against the Gerald
21 Archuleta side. It came out of the conversation
22 about Frank Castillo and the murder with Frank
23 Castillo and about the hit on Julian Romero, so --

24 THE COURT: Well, if it works for
25 everybody, particularly Mr. Castle, why don't I not

1 let it in now. Let me think about it with this
2 additional information. And if I decide to let it
3 in, bring it on redirect, and you can recross.

4 MR. CASTLE: Sounds like I --

5 THE COURT: Kick it down the road a little
6 bit. And think about why they're thinking it was an
7 SNM hit --

8 MR. CASTELLANO: There was notice
9 regarding -- not this witness -- we noticed up that
10 it would come through Gerald Archuleta, who
11 testified about the incident in the last trial.

12 THE COURT: Here's the problem with
13 that -- and correct me if I'm wrong -- but remember
14 there was a notice filed while you were having your
15 surgery that said everything in the last trial is in
16 this trial. And while you were not here, I said,
17 "Well, that's not adequate, because those were
18 totally different conspiracies."

19 MR. CASTELLANO: I agree. It was noticed
20 in the James statements for this trial.

21 THE COURT: Which number is it?

22 MR. CASTELLANO: I'll have to go check.

23 MR. BECK: I can find that for you.

24 THE COURT: But this isn't coming in as a
25 co-conspirator statement.

1 MR. BECK: Right.

2 THE COURT: This is coming in -- I don't
3 know what --

4 MR. CASTELLANO: It's a statement by a
5 party opponent, and I agree with the Court.

6 THE COURT: That's right.

7 MR. CASTELLANO: I agree with the Court,
8 but the information itself was noticed up to the
9 defense, so that much was true. It just wasn't
10 through this witness.

11 THE COURT: But was it on the 404(b)
12 letters?

13 MR. CASTELLANO: I don't think it was in
14 the 404(b). It was noticed up for the James table
15 that we --

16 THE COURT: I'm a little reluctant to go
17 that route, given that we put in place this somewhat
18 cumbersome 404(b).

19 MR. CASTLE: Not 404(b).

20 THE COURT: Some are and some weren't.

21 MR. BECK: I hear you. I think that's
22 fair.

23 THE COURT: I know that 404(b) can't arise
24 in the middle of the trial. You can still get it
25 in, but it might be we have to kick it down pretty

1 far if we decide it is 404(b).

2 MR. CASTELLANO: The jury has heard a
3 little bit about the topic from, I think, Mario --

4 THE COURT: About what?

5 MR. CASTELLANO: About this topic. When
6 Mario Rodriguez was in the cages next to Billy
7 Garcia, Billy Garcia told Mr. Rodriguez there was a
8 rat in his pod. And they have a dispute because
9 Mario Rodriguez said that Baby Zack had ratted on
10 that incident; that Mario Rodriguez was not going to
11 do anything about the information or the request by
12 Billy Garcia. So we touched on it a little bit, but
13 not directly.

14 THE COURT: Give me a little bit more time
15 to think about all this, and see how it comes out,
16 whether I'm going to slide it over to 404(b), or
17 slide it into racketeering activity.

18 MR. BECK: Sounds good.

19 (The following proceedings were held in
20 open court.)

21 THE COURT: All right. Mr. Beck.

22 BY MR. BECK:

23 Q. Mr. Lujan, I think you touched on this
24 earlier, but we went over your plea agreement from
25 May of 2017. Do you remember that?

1 A. Plea agreement?

2 Q. Right.

3 A. From 2017?

4 Q. Your plea agreement for this case.

5 A. My plea agreement is a life sentence.

6 Q. I'm just asking if you remember when we
7 went over it a couple of hours ago.

8 A. Yeah.

9 Q. Since the time that you pled guilty in May
10 2017, have you been housed with other defendants who
11 are cooperating or may be testifying in this trial?

12 A. Over there in -- over there in Sandoval
13 County, they had me with Robert Martinez and Jo Jo
14 Quintana, Frederico Quintana. They had me with them
15 for a little while. And then they shipped them back
16 out to the North, I think. And then there in --
17 over here where I'm at in Luna County right now,
18 they had me -- at first they had me with Timothy
19 Martinez. And then Fred Quintana drove up, Paul
20 Rivera drove up, and I think Benjamin Clark. But
21 I'm not housed with them. They have me in medical,
22 and they're in Seg.

23 Q. While you were housed with these other
24 folks, did you all talk about the discovery and the
25 case together?

1 A. I never talked to any of them about the
2 discovery.

3 Q. We also talked about earlier you
4 cooperated with the FBI over the years. Do you
5 remember that?

6 A. Yes, sir.

7 Q. Including in 2009, I believe; right?

8 A. Yes, sir.

9 Q. During that time, were you testifying in
10 any trials or hearings?

11 A. No, sir.

12 Q. Were you still paid by the FBI at that
13 time as a cooperating source?

14 A. Yes, sir. I asked them one time if they
15 could help me because I was doing pretty bad and all
16 I asked them for was \$500, and that's it.

17 Q. And they paid you at that time?

18 A. And they paid me.

19 Q. You had -- did you have a tablet with the
20 discovery on it at some point?

21 A. Yes, sir.

22 Q. And describe that for the jury. What is
23 on the tablet?

24 A. On the tablet is -- there's names of SNM
25 members that STG and STIU have kept track of.

1 There's letters of people saying this and that of
2 different other people. My name is mentioned in
3 some of those letters.

4 MR. CASTLE: Your Honor, I'm going to
5 object and just ask for counsel to perhaps do
6 leading questions. Otherwise we're going to float
7 into hearsay.

8 THE COURT: Are you agreeable to that?

9 MR. BECK: That's fine, Your Honor.

10 THE COURT: Why don't you lead him then.

11 BY MR. BECK:

12 Q. On the tablet are there documents that
13 relate to this case?

14 A. Yes, sir.

15 Q. Does that include police reports?

16 A. I believe so.

17 Q. Does it also include documents from the
18 Corrections Department?

19 A. Yes, sir.

20 Q. And it's fair to say that those documents
21 relate to the SNM and things that are being tried
22 here today; right?

23 A. Yes, sir.

24 Q. With that tablet, did you break that
25 tablet in January of 2017?

1 A. Yes, sir.

2 Q. Was that January -- I'm not good at
3 math -- was that four months before you pled guilty
4 and cooperated in this case in May of 2017?

5 A. Yes, sir.

6 Q. Since that time, in January of 2017, have
7 you had a new tablet?

8 A. No, sir.

9 Q. Have you looked -- well, fair to say you
10 haven't looked at the discovery that was on that
11 electronic tablet since January 2017?

12 A. No, sir.

13 MR. BECK: May have a moment, Your Honor?

14 THE COURT: You may.

15 MR. BECK: Pass the witness, Your Honor.

16 THE COURT: Thank you, Mr. Beck.

17 Mr. Castle.

18 CROSS-EXAMINATION

19 BY MR. CASTLE:

20 Q. Mr. Lujan, let's just start with that plea
21 agreement. And you've told us today that you've
22 been always honest and wanted to take
23 responsibility; right?

24 A. Yes, sir.

25 Q. You were charged in December of 2015;

1 correct?

2 A. Yes, sir.

3 Q. But you didn't plea until May of 2017, a
4 year and a half later.

5 A. Yes, sir.

6 Q. And that was so you and your lawyer could
7 work out a deal where you could possibly get out and
8 be free?

9 A. I've always looked at --

10 Q. Was that the reason it took so long for
11 you to come into court and say you were guilty, was
12 because you were trying to work out a deal so you
13 could walk out of prison some day and become free?
14 Yes or no?

15 A. No, sir.

16 Q. No, sir?

17 A. No.

18 Q. Your lawyer is here today; right?

19 A. He's right there.

20 Q. The prosecutor asked you some questions
21 about your diagnoses. Do you recall those
22 questions?

23 A. Yes, sir.

24 Q. And I think you told the jury that the
25 only diagnosis, at least mental health diagnosis

1 that you can recall is one for post-traumatic stress
2 disorder; is that right?

3 A. Yes, sir. And I believe I said that I
4 have --

5 Q. And explosive disorder or something like
6 that? That's where you can go be violent against
7 somebody with no provocation whatsoever?

8 A. It's pretty much been violence against me,
9 sir.

10 Q. Okay. Well, let's talk about your other
11 diagnoses.

12 A. Okay.

13 Q. You've been diagnosed numerous times with
14 a disorder called malingering. Are you familiar
15 with that?

16 A. No, sir.

17 Q. You're not familiar with that?

18 A. No, sir.

19 Q. If I could have page 65. Well, the pages
20 that I talked about -- Mr. Lujan, while she's
21 getting the documents, you were aware that there was
22 an order where your psychiatric records were turned
23 over to both the Government and the defense; is that
24 your understanding?

25 A. Yes, sir.

1 Q. And you and your lawyer had an opportunity
2 to go through those and redact anything that you
3 thought was personal.

4 A. Yes, sir.

5 Q. So you've had an opportunity to look at
6 those. I want to show you the first one. It's page
7 65678, dated November 3, 2011. Okay. Right here is
8 an indication they believe you're malingering; is
9 that correct?

10 A. I don't even know what "malingering"
11 means.

12 Q. Okay. Do you know what being dishonest
13 means?

14 A. Yeah.

15 Q. Do you know what being dishonest in order
16 to try to manipulate people means?

17 A. Yes, sir.

18 Q. Let's go to the next one. There is
19 another document, 65676, again finding that you're
20 malingering. Quote, "He's a very good actor," end
21 quote. Do you see that?

22 A. Yes, sir.

23 Q. Let's go to the next one. Page 65622.
24 This has actual specific diagnoses here, right; is
25 that correct?

1 A. PTSD.

2 Q. I'm asking you, does it have diagnoses?

3 A. Yes, sir.

4 Q. And one of them is antisocial personality
5 disorder?

6 A. Yes, sir.

7 Q. I think you told us on direct that you've
8 never been diagnosed with that.

9 A. Excuse me, that's the first time I've ever
10 seen that paper.

11 Q. You've never heard of antisocial
12 personality disorder?

13 A. I don't even know what that is.

14 Q. Once again, I'll show you another
15 document, 2012, 66118, indicates you were
16 malingering, and they have antisocial personality
17 disorder. Do you see that?

18 A. Yeah. And if you look at it, it also
19 states that I am doing a hep C treatment at that
20 time, too.

21 Q. I wasn't asking you questions about hep C.

22 A. In '11 and '12, that's what I was doing.

23 Q. Sir, I'm not asking you about your
24 physical maladies. I'm asking you about your mental
25 health. Okay? Let's stay on task.

1 A. Okay.

2 Q. Another diagnosis, 66117. It says,
3 "Malingering for placement," and, of course, once
4 again, antisocial personality disorder.

5 A. Okay.

6 Q. You and your lawyer had an opportunity to
7 review those. And my guess is, you must have gone
8 back to the Department of Corrections and asked them
9 to correct all these horrible diagnoses that aren't
10 true; is that correct? Did you do that?

11 A. I think my attorney was doing all that
12 stuff.

13 Q. Do you recall talking to Agent Acee about
14 this and him asking you if you had made up disorders
15 in order to try to get -- to manipulate things. Do
16 you remember him asking you about that? Yes or no?

17 A. I believe so.

18 Q. And you told him you did?

19 A. Yeah.

20 Q. One of the things that you do is, you go
21 into, what, complain about particular ailments at
22 the prison to try to get some treatment; is that
23 fair?

24 A. No.

25 Q. You don't complain about any medical

1 issues?

2 A. Every time that I have cut, most of the
3 time I've cut, and most of the time I've complained
4 about being sick, I've been sick. They've had to
5 put me on IVs and everything.

6 Q. So you've made complaints about physical
7 illnesses for treatment.

8 A. Um-hum.

9 Q. Yes. And what you've asked for on many of
10 those occasions is for medications; correct?

11 A. No, sir. I've asked for treatment.

12 Q. Okay. You haven't asked for certain
13 psychotropic drugs?

14 A. No, sir.

15 Q. Welbutrin?

16 A. I've never been on Welbutrin.

17 Q. You've never been on Welbutrin.

18 A. As far as I know, I never have. I tried a
19 lot of psych medications, but I don't remember ever
20 being on Welbutrin.

21 Q. Well, it has a generic name. Maybe you
22 remember this. Bupropin.

23 A. No, I don't remember.

24 Q. You've never been on that?

25 A. No, sir.

1 Q. Maybe you know it by its slang name, which
2 is "poor man's cocaine"?

3 A. I've never been on it.

4 Q. Do you remember going to the doctors and
5 asking them and getting opioids, such as Percocets?

6 A. No, sir. The only time I've ever been on
7 that kind of medication is when I've been on the
8 streets.

9 Q. Okay.

10 A. I was on -- the last time that I did, when
11 I put a piece of --

12 Q. Let me do this: I want to come up here.
13 I've got a computerized copy of your medical
14 records.

15 A. Okay.

16 Q. Okay. And we're going to do some
17 searching together. Okay? Do you see on this page,
18 it says you had Percocet medications? Do you want
19 to scroll up or do you want to take my word for it?

20 A. Oh, by that, the Percocets, if I remember,
21 it's been times that I've been at LTCU.

22 Q. Mr. Lujan, I know you want to talk a lot.
23 Okay? Try to stay on task. I'm going to ask you
24 specific questions with a yes-or-no answer.
25 Oftentimes I'll ask you if you have an explanation,

1 or the Government can, so --

2 A. Okay.

3 Q. Did you get Percocet here?

4 A. I don't recall.

5 Q. Okay. Again another page, Percocets. Do
6 you see that?

7 A. That's when I got shot and stuff.

8 Q. Another Percocet -- sir, this is in
9 custody, in prison. Did you get shot in prison?

10 A. No. But due to being sick from
11 everything, the pain.

12 Q. Okay. You were requesting Percocets;
13 correct?

14 A. Yes, sir.

15 Q. And again Percocets. Do I need to keep
16 going, or can we agree that you've been asking for
17 Percocets over the years while in Corrections?

18 A. Not the whole time I've been in prison.
19 There's been times where they've had to send me out
20 for surgeries at UNMH, and stuff like that. And
21 they put me in LTCU, and they gave me Percocet.

22 Q. Well, let's talk about the cutting, okay?
23 The cutting isn't because you're trying to harm
24 yourself. It's so that you go -- they come to your
25 room, take you out of it, and take you to the

1 hospital where you can get whatever it is you really
2 want from the hospital; right?

3 A. No, sir.

4 Q. Well, I think you said on direct that you
5 did the cutting in order to get medical treatment,
6 some kind of medical treatment. Is that not true?

7 A. If I may be allowed to show you my
8 stomach, then you'll see what I'm talking about, why
9 I get sick and stuff.

10 Q. Was that where you were cutting yourself?

11 A. I believe one time, just one time -- I've
12 had multiple surgeries from the gunshot wound. I've
13 had my gallbladder removed. I was on a colostomy
14 bag.

15 Q. Let me narrow it down. The parts of your
16 body you were cutting with a piece of glass was your
17 arm.

18 A. Been my arms and my legs. And only one
19 time I put a piece of wire in my stomach. That's
20 it. That's the only time.

21 Q. We're talking one time you put this glass
22 and cut your arm open; right? Yes or no?

23 A. Yes, sir.

24 Q. And you didn't do that because you needed
25 your -- you wanted your arm to be attended to; you

1 wanted to get some kind of other medical treatment
2 that you claimed you needed for your stomach or
3 somewhere else?

4 A. Sometimes it was that; sometimes it was
5 that anger.

6 Q. Okay. We'll talk about that anger in a
7 little while. Okay?

8 A. Yes, sir.

9 Q. Mr. Lujan, you're the individual who
10 ordered two squads of assassins to murder Rolando
11 Garza and Frank Castillo; correct?

12 A. Yes, sir, on the orders of somebody.

13 Q. Okay. I understand you want to blame
14 somebody else. What I'm asking you is: Did you
15 organize two squads of individual to go and execute
16 those two men? Yes or no?

17 A. I organized it.

18 Q. Okay. And you've already talked about
19 this a little bit, but you've entered into a plea
20 bargain which might allow you to live in the free
21 world again some day; correct? Did you get that
22 kind of plea bargain or not?

23 A. I've always just thought of it as doing a
24 life sentence, because that's what it says, a life
25 sentence, you know.

1 Q. So the judge is here right now. Are you
2 going to say that you'll never ask him for a reduced
3 sentence?

4 A. It's his decision, not mine.

5 Q. Are you ever going to ask for a reduced
6 sentence while your lawyer is here in this
7 courtroom?

8 A. It's a possibility.

9 Q. It's a possibility you will ask him for a
10 lesser sentence; correct?

11 A. Yeah.

12 Q. Or ask somebody for more money; right?

13 A. Well, if that's what you want to think.

14 Q. Well, you said you got \$500 once in 2009.

15 A. Yeah.

16 Q. And that was so you could buy a TV?

17 A. I bought a TV, and I bought some clothes
18 and some things that I needed.

19 Q. And that's because you destroyed your TV?

20 A. That TV I had for years.

21 Q. So the one the Government paid for --

22 A. As a matter of fact, they lost that TV at
23 PNM. I had to buy another one.

24 Q. So the Government paid for a TV. That one
25 lasted for many years. Is that what you're saying?

1 A. Yeah, lasted for two years, three years.

2 Q. The other ones you've purchased, you
3 busted, I think it sounds like.

4 A. Actually, the ones that I busted had been
5 state property. Not -- not ones that I purchased.

6 Q. You mean the Government has purchased?

7 A. Yeah.

8 Q. And then I think they said \$1,750. What
9 was the other \$1,250 for, and when did they give it
10 to you?

11 A. I haven't seen \$1,250.

12 Q. So did they give you any other money over
13 the years, other than that \$500?

14 A. No, sir.

15 Q. Not once?

16 A. Not once.

17 Q. So if they disclosed to us it was \$1,750
18 they've given you over the years, that wouldn't be
19 true?

20 A. Since 2017, I think that's when they
21 started giving me money. And it might have already
22 been that much.

23 Q. So that would have been after you pled
24 guilty and agreed to testify for them?

25 A. This was in 2017, when I decided to be

1 part of the program.

2 Q. Okay. Part of the program, okay.

3 Now, if I understand your testimony
4 correctly, you're indicating a number of things.
5 First, you're claiming that the order to kill
6 Mr. Garza and Mr. Castillo came down to Southern
7 from Billy Garcia and no one else; is that right?

8 A. Yes, sir.

9 Q. So there were no orders that you were
10 aware of, prior to Mr. Garcia arriving, for Garza or
11 Castillo to be murdered?

12 A. No, sir.

13 Q. Second, you're indicating that Mr. Garcia
14 asked to you organize these two teams to commit the
15 murders; is that right?

16 A. Yes, sir.

17 Q. And my understanding is -- well, you may
18 not have testified to this, but was the purpose
19 supposedly that -- Mr. Garcia's purpose was
20 supposedly asking you to do that so that he wouldn't
21 be caught or held responsible?

22 A. Could have been, but no, I don't think so,
23 you know.

24 Q. Whoever it was that gave you orders didn't
25 want to get arrested for this charge; would that be

1 fair?

2 A. No, that's just the way SNM always worked
3 with different things, you know.

4 Q. And when somebody above you, your boss or
5 whatever, is telling you to go do this so that they
6 won't get caught, you're not supposed to go blabbing
7 to people about that, are you?

8 A. No, sir.

9 Q. But you actually made, it sounds like, a
10 concerted effort to let everybody know that the
11 orders came from Billy Garcia. Well, let me say,
12 you said to the one guy, Eugene Martinez; right?

13 A. Yes.

14 Q. And you told, I think, four people in
15 their presence -- I think you said it was -- well,
16 who were the four people you said were present when
17 you told everybody?

18 A. Joe Gallegos, Criminal, Angel. And Huero
19 Troup was in the back, and Sleepy was behind me.

20 Q. And Huero Troup was somebody you didn't
21 even trust.

22 A. No.

23 Q. You're going to tell him Billy Garcia
24 ordered these hits?

25 A. He wanted to be nosy.

1 Q. Did you or did you not? I know you want
2 to explain things.

3 A. He wanted to be nosy.

4 Q. Okay. In any event, after the murders,
5 Mr. Garcia was immediately removed from the prison;
6 is that right?

7 A. Yes, sir.

8 Q. And you remained? You remained in that
9 prison?

10 A. Excuse me?

11 Q. Remained at the prison?

12 A. Yes, sir.

13 Q. Did you drop a kite saying it was Billy
14 Garcia who was responsible?

15 A. No, sir.

16 Q. I want to ask you a little bit about the
17 SNM as it existed in 2007, okay, the time period you
18 say you had some discussions with Mr. Garcia at the
19 MDC. At that time Gerald Styx Archuleta was a
20 leader of the largest group of SNM members in 2007;
21 correct?

22 A. Yes, sir.

23 Q. In that group under Styx they had a tabla;
24 is that right?

25 A. A tabla, yeah. That's the table.

1 Q. Under Styx they had a tabla; right?

2 A. Yes, sir.

3 Q. And you knew who was in that?

4 A. Yes, sir.

5 Q. It was Robert -- I think you've told the
6 FBI that it was Robert Martinez, also known as Baby
7 Rob; Frederico Munoz, also known as Playboy; and
8 Juan Mendez, also known as Juanito. Do you recall
9 that?

10 A. Yes, sir.

11 Q. I remember that. And also part of this
12 Archuleta tabla was a person by the name of Leroy
13 Lucero, also known as Smurf.

14 A. Yes, sir.

15 Q. Now, when you were most active in the SNM,
16 you answered to Angel Munoz?

17 A. Yes, sir.

18 Q. And after Angel died, you answered to
19 Gerald Styx Archuleta?

20 A. Yes, sir.

21 Q. So when did Angel die? Do you recall?
22 Was it 2003, '04, somewhere in there?

23 A. No, I think it was later than that. I
24 think it might have been 2005, 2004, around there.

25 Q. But it was prior to the time in MDC;

1 right?

2 A. Yes, sir.

3 Q. So after he died, you answered to
4 Archuleta?

5 A. Yes, sir.

6 Q. But today you're saying, "Actually Billy
7 and I were against Archuleta," and you were even,
8 like, accusing Archuleta of murder. That is your
9 testimony today; right?

10 A. Yes, sir, but --

11 Q. That's fine. That's fine. Let's --

12 A. Okay.

13 Q. Mr. Archuleta was the sworn enemy of Billy
14 Garcia?

15 A. Yes, sir.

16 Q. And are you aware that Gerald Styx
17 Archuleta had a hit out on Billy Garcia since the
18 time that Julian Romero, I guess, stole Archuleta's
19 wife?

20 A. Yes, sir.

21 Q. I want to try to establish some dates and
22 facts with you. Okay? I think you said on July 6,
23 1998, you and Frederico Munoz strangled Felix
24 Martinez to death; is that right?

25 A. Yes, sir.

1 Q. Now, that happened at the old jail, the
2 BCDC, Bernalillo County Detention Center?

3 A. Yes, sir.

4 Q. On that same day, the law enforcement went
5 and tried to talk to you and ask you what happened.
6 Do you recall that?

7 A. Yes, sir.

8 Q. And you refused to talk to them?

9 A. Yes, sir.

10 Q. You executed your constitutional right to
11 remain silent?

12 A. Yes, sir.

13 Q. At that time I think they also offered you
14 some Copenhagen, and tried to be nice to you. Do
15 you recall that?

16 A. (Witness laughs.)

17 Q. Is there something funny about the
18 proceedings here today, sir?

19 A. No, it's just the way you came out with
20 the Copenhagen issue, man. Dude, hey, nobody
21 offered me Copenhagen then, dude.

22 Q. Well, do you recall testifying about that
23 before?

24 A. I never testified about anything on that,
25 not one time. That's why it was nine years before

1 they caught me.

2 Q. Now, you've testified a little bit about
3 this today, but I want to make clear: So you commit
4 the murder in '98; right?

5 A. Yes, sir.

6 Q. You plan -- well, get the two teams to
7 kill the two inmates in Southern in 2001; right?

8 A. Yes, sir.

9 Q. How many other people -- because it was
10 unclear to me -- how many other people have you
11 killed and stabbed?

12 A. I've only killed one person.

13 Q. Okay. How many people have you stabbed?

14 A. As far as stabbing, I've only stabbed two
15 other people.

16 Q. Okay. Well, we'll talk about that in a
17 few minutes.

18 So what were those two stabbings?

19 A. One was with that LCer, and the other one
20 was, I think, in McKinley County, and that one had
21 nothing to do with SNM at all.

22 Q. Let's go back to the dates. After the
23 2001 murders, the STG officers, or the STIU
24 officers -- I'm not sure what it was that time --
25 came and talked to you again and asked you about the

1 Looney and Garza murders. Do you recall that?

2 A. Yes, sir.

3 Q. And you refused to talk to them at that
4 time.

5 A. Yes, sir.

6 Q. And they were even showing you pictures of
7 Looney's dead body; right?

8 A. No, sir.

9 Q. They were showing you pictures of him when
10 he was alive?

11 A. No, sir.

12 Q. I thought you indicated to us just a
13 little while ago that they showed you pictures of
14 Looney.

15 A. No, sir.

16 Q. Well, do you recall testifying about this
17 just a little bit over a month ago? And I'll give
18 you the questions and your answers. Okay?

19 "Just asking me questions about the murder
20 and stuff. And I didn't answer none of the
21 questions. And he showed me some pictures of Frank
22 Castillo and Looney.

23 "Question: Okay. Were they asking you --

24 "Answer: Just simple questions about what
25 happened with Looney, and this and that, and what

1 went down, you know, like that.

2 "Question: What did you tell them?

3 "Answer: I told them, 'I got nothing to
4 say.'"

5 Do you recall that?

6 A. Yes, sir, but I never said anything about
7 Looney's pictures.

8 Q. Well, didn't you say specifically, "and he
9 showed me some pictures of Frank Castillo and
10 Looney"?

11 A. He only showed me pictures of Frank
12 Castillo.

13 Q. Why don't you look with me. This is a
14 transcript. Well, this is a big transcript, but you
15 only testified for part of it. And do you see where
16 it says, "Okay. And what were they asking you?"

17 And you: "Just simple questions about
18 what happened with Looney and this and that, what
19 happened, what went down, you know like that.

20 "What did you tell them?"

21 Whoops, wrong page, I think. I have the
22 wrong page. Human error.

23 Here it is, page 59. Your answer: "Just
24 asking me questions about the murder and stuff, and
25 I didn't answer none of the questions. And he

1 showed me some pictures of Frank Castillo and
2 Looney."

3 A. I made a mistake by saying Looney, because
4 it was just Frank Castillo.

5 Q. Okay.

6 A. That was my mistake.

7 Q. So was he showing you pictures of Frank
8 Castillo after he'd been strangled?

9 A. Yes, sir.

10 Q. And that was a method that you had used --
11 you and Frederico Munoz used in '98; right?

12 A. Yes, sir.

13 Q. Despite showing you those pictures, you
14 didn't tell him anything? You held strong to
15 yourself?

16 A. I didn't say nothing.

17 Q. So at this time -- and this was 2001 --
18 you had gotten away with the '98 murder, and you
19 were getting away with the two murders in 2001; is
20 that right?

21 A. Yes, sir.

22 Q. And then something happened in 2007 that
23 kind of changed things for you. Do you recall what
24 that was?

25 A. Well, I spoke of that earlier. And I just

1 thought, like, the viejo, Billy, was turning against
2 me, because he wanted me to go to trial, you know.

3 So I just, like, was kind of hesitant with him.

4 Q. On March 1st of 2007, do you recall the
5 detective that was investigating the murder of Felix
6 Martinez, that he came to you at the MDC, and tried
7 to interview you again about those -- the '98
8 murders. Do you recall that?

9 A. Yeah. He came, and I told him, "I have
10 nothing to say."

11 Q. Right. And at the end of that, he told
12 you he was going to take a swabbing of the inside of
13 your mouth because he had DNA that they found on the
14 ligature, and they were going to compare your DNA to
15 that?

16 A. Yes, sir.

17 Q. And at that point in time, you'd already
18 described that you had really taken your hand and
19 tied that ligature around his neck so tight that he
20 wouldn't be able to survive; right?

21 A. Yes, sir. I tied three knots.

22 Q. You tied three knots. So you knew your
23 hands and your DNA would be all over that ligature;
24 correct?

25 A. I don't know. I don't know how that

1 works.

2 Q. During that interview that you had on
3 March 1st, 2007, do you recall telling the detective
4 that you barely even knew who Frederico Munoz was?

5 A. No, I know who Animal was.

6 Q. Do you recall what you said to him?

7 A. Frederico Munoz, I've known Frederico
8 Munoz for a while.

9 Q. Do you recall saying to them that you
10 didn't know the murder victim -- who the murder
11 victim was, even. Do you recall saying that?

12 A. Oh, Animal -- no, that's not Frederico
13 Munoz.

14 Q. I know. I know. We're going to go
15 through the statement. Okay?

16 A. Okay.

17 Q. You first told him you didn't know who
18 Felix Martinez was; is that correct?

19 A. I knew who he was, but I never --

20 Q. I'm asking what you thought on that day.
21 On March 1st, 2007, when they came to interview you
22 again, and they got your DNA, you told them you
23 didn't even know who the victim was, the guy who
24 died, the guy you strangled.

25 A. It's a possibility that I said that. I

1 don't remember that.

2 Q. You knew who Felix Martinez was?

3 A. I knew who he was.

4 Q. He was the guy that sponsored and brought
5 Billy Garcia into the SNM; right?

6 A. I didn't know him by that.

7 Q. You killed a guy -- you murdered the guy
8 who brought Mr. Garcia into the gang.

9 A. I didn't know that.

10 Q. Then you told him you don't know Frederico
11 Munoz very well.

12 A. No, I knew Frederico Munoz.

13 Q. I know.

14 A. We had already been doing time.

15 Q. Let's just get this down straight now:
16 What I'm asking about is not what the truth is. I'm
17 asking you what you told the police on March 1st,
18 2007.

19 So do you recall on March 1st, 2007, you
20 were still trying to get away with the murder;
21 right?

22 A. March of 2007 --

23 Q. Were you still trying to get away with the
24 murder at that point in time?

25 A. Yeah, I was. I always felt --

1 Q. "Yes" is fine.

2 THE COURT: Mr. Castle, would this be a
3 good time for us to take our break?

4 MR. CASTLE: Yes. Could I just ask him
5 one more question?

6 THE COURT: You may.

7 BY MR. CASTLE:

8 Q. So when they asked you about Frederico
9 Munoz, you told them you didn't know him very well,
10 because you didn't want to get charged with that
11 murder.

12 A. Yeah.

13 Q. Okay.

14 THE COURT: All right. We'll be in recess
15 for about 15 minutes.

16 (The jury left the courtroom.)

17 THE COURT: All right. We'll be in recess
18 for 15 minutes.

19 MR. CASTLE: One quick request. Could we
20 have Mr. Lujan brought in before the jury?

21 THE COURT: Is he going to be leaving?

22 THE MARSHAL: No.

23 THE COURT: He's just going to stay here.

24 MR. CASTLE: That sounds good.

25 (The Court stood in recess.)

1 THE COURT: Anybody got anything they need
2 to discuss. Anything I can do for you, Mr. Beck?

3 MR. BECK: No, Your Honor.

4 THE COURT: How about from the defendants?
5 Mr. Castle?

6 MR. CASTLE: Just really quickly, we
7 haven't gotten all the different payments that were
8 made to Mr. Lujan. My guess is, they were going to
9 give it to us overnight, so we can --

10 THE COURT: Is that hard to calculate?
11 Does the Government have to wait till overnight,
12 Mr. Beck?

13 MR. BECK: I think we produced all of them
14 last week, so --

15 MR. CASTLE: No, we've asked for receipts,
16 and they've only given us one, so --

17 THE COURT: Okay. Are you going to have
18 to do that overnight?

19 MR. BECK: I think there has just been one
20 updated receipt. I think that was the production of
21 the one receipt, was the one updated.

22 THE COURT: All right. All rise.

23 (The jury entered the courtroom.)

24 THE COURT: All right. Mr. Lujan, I'll
25 remind you that you're still under oath.

1 Mr. Castle, if you wish to continue your
2 cross-examination of Mr. Lujan, you may do so at
3 this time.

4 MR. CASTLE: Thank you, Your Honor.

5 THE COURT: Mr. Castle.

6 BY MR. CASTLE:

7 Q. I just want to get this, see if we can
8 finish this interview. On March 1st, 2007,
9 Detective Lewis of the Albuquerque Police Department
10 talked to you while you were in jail; correct?

11 A. Yes, sir.

12 Q. And at that time he told you he was going
13 to record your statement. Do you recall that?

14 A. I don't think it was at the jail. I think
15 they took me to the courthouse.

16 Q. Okay. We're talking about the one where
17 you denied any involvement in the murder of Felix
18 Martinez.

19 A. Was that when you were talking about when
20 they swabbed me?

21 Q. Yes.

22 A. That was the one where Jason Ellis
23 escorted me down there, and he said they were going
24 to hit me with premeditated capital murder. Yeah, I
25 remember that.

1 Q. It was at that interview that you said, "I
2 don't know who the victim is, and I barely know
3 Federico Munoz"; correct?

4 A. No, I'm not -- I don't think I even really
5 even spoke to that person, that detective, that
6 much.

7 Q. If I show you a report from that, would it
8 refresh your memory?

9 A. It might, but --

10 Q. It's the shaded area here.

11 A. No, because I've known Federico Munoz for
12 quite a while before then.

13 Q. So if, in fact, this report is correct and
14 you denied knowing Mr. Munoz very well, that would
15 have been a lie?

16 THE COURT: Well, let's let the jury make
17 that determination. You can ask him if that's
18 accurate or not.

19 Q. Would that have been the truth?

20 A. I've known Federico Munoz for a long time
21 prior to that.

22 Q. I'm trying to get through this. On March
23 1st, 2007, when Detective Lewis went to interview
24 you, you denied knowing Mr. Munoz very well?
25 Correct or incorrect?

1 A. No, sir.

2 Q. And did you say you didn't know who the
3 victim was?

4 A. No, sir.

5 Q. Okay. So that the report is inaccurate?

6 A. Um-hum.

7 Q. And then you start telling him, Detective
8 Lewis -- you tell him there was some kind of
9 altercation that day with some black inmates. Do
10 you recall that?

11 A. I never spoke with that detective, not one
12 time. Because if I remember, I told Jason Ellis,
13 the STIU guy, to take me back to my cell.

14 Q. So you didn't describe an altercation or a
15 fight with --

16 A. No, sir.

17 Q. -- the black inmates?

18 A. No, sir. I never spoke to that detective.

19 Q. And do you recall that you told him that
20 the fight with the black inmates started because you
21 were mad at them because of some child crime? Do
22 you recall that?

23 A. No, sir, I never spoke to that detective.

24 Q. What actually happened was: This fight
25 with the black inmates was created as a diversion so

1 the authorities would think that perhaps one of the
2 African-American inmates had killed Felix Martinez.

3 Wasn't that the plan?

4 A. No, sir.

5 Q. That wasn't?

6 A. No, sir.

7 Q. It just happened to be a coincidence that
8 you murdered somebody and then got in a fistfight
9 later the same day?

10 A. Yes, sir.

11 Q. Now, after that interview on March 1st of
12 2007, did you learn that your DNA matched DNA found
13 on the ligature?

14 A. No, sir. I --

15 Q. You never found out?

16 A. Not matching or anything.

17 Q. You haven't known that to this day?

18 A. To this day, I didn't know it matched.

19 Q. Huh? In any event, you did know that
20 Mr. Munoz', Frederico Munoz', DNA also matched?

21 A. As far as I know, all I knew that he was
22 possibly going to take the stand against me. That's
23 all I knew.

24 Q. Let's talk about that a little bit, okay?
25 So you learn on around May 4, 2007, that Frederico

1 Munoz actually went in and pled guilty to the murder
2 of Felix Martinez? You learned that?

3 A. No, sir, I didn't know nothing about that
4 till I got to the North facility, and I seen a
5 newspaper clipping where he took -- where he was in
6 front of Judge Murdock. He was in the newspaper and
7 everything. That's when I learned that he had
8 testified.

9 Q. Let me see if I can refresh your memory
10 about that newspaper article. This is off the
11 internet, so it's not the exact piece of newspaper.

12 MR. CASTLE: But if I may approach the
13 witness?

14 THE COURT: You may.

15 BY MR. CASTLE:

16 Q. This is the article which indicates that
17 Mr. Munoz entered a plea of guilty in front of Judge
18 Murdock.

19 A. For a life sentence, and run concurrent
20 with his life sentence he was already doing.

21 Q. Is this the article you read?

22 A. I got to sit here and read the whole
23 thing --

24 Q. Sure.

25 A. -- if you don't mind.

1 No, that's not the one I read.

2 Q. You didn't read this one in the
3 Albuquerque Journal?

4 A. The one I read had my name on there. And
5 it had Manuel Benito's name on it, too.

6 Q. Well, when you were in the jail, it gets
7 around that -- what's happening in court; correct?

8 A. Yes, sir.

9 Q. And you were -- your antennae were up,
10 because what Frederico Munoz was pleading guilty to
11 was a murder that you and he had done together;
12 correct?

13 A. Yes, sir.

14 Q. And you knew what Frederico had done, he
15 went in and pled, but refused to give your name;
16 right?

17 A. At the time, rumor was that he had given
18 me up already.

19 Q. You knew that he hadn't given you up,
20 because they didn't bring you into court and charge
21 you, sir.

22 A. No, I didn't.

23 Q. They hadn't charged you.

24 A. No, I didn't -- the detective just came
25 and Jason Ellis took me downstairs.

1 Q. Had you been charged or not?

2 A. They swabbed me, and that was pretty much
3 it.

4 Q. So when you were telling us earlier they
5 were bringing you back and forth to court on that
6 charge, they didn't bring you back to court on that
7 charge. They only brought you once to court and you
8 pled guilty.

9 A. They took me, like, three or four times,
10 and they were canceling the courts.

11 Q. Okay. Well, let's go back. You knew that
12 Mr. Munoz hadn't snitched on you; that's something
13 that you know about?

14 A. The rumor was that he had already
15 snitched. You know, I didn't know nothing. I seen
16 that newspaper clipping, and pretty much, that's
17 when there was already a fallout with me and him,
18 you know --

19 Q. So let's just go back. So May 4,
20 Mr. Munoz pleads guilty. And there are newspapers
21 there at the facility; correct?

22 A. Um-hum.

23 Q. And are you telling this jury you didn't
24 want to read the newspaper article at all to see if
25 Mr. Munoz --

1 A. I read it --

2 Q. Excuse me. Let me finish. Whether he had
3 blamed you for the murder? You didn't read that
4 then?

5 A. The newspaper clipping that I read, it had
6 him standing in front of Murdock --

7 Q. Sir, hold on. I'm talking about May 4 --

8 A. -- and it had my name and Manuel Benito's
9 name on it.

10 Q. I'm talking about May 4, 2007, or the next
11 day. Did you go and read the articles?

12 A. No.

13 Q. You just -- it didn't bother you?

14 A. No.

15 Q. You didn't want to know what he did?

16 A. I just assumed, pretty much, that he was
17 already ratting, you know, because that was the
18 rumor.

19 Q. He wasn't ratting on you. Who told you he
20 was ratting on you?

21 A. Everybody was saying that he was ratting.

22 Q. Who?

23 A. Everybody. Everybody.

24 Q. Everybody?

25 A. Everybody that was there with us at that

1 facility.

2 Q. So I guess all of them --

3 A. At MDC, everybody.

4 Q. So I guess everyone at the facility --

5 A. Everybody was saying that, because
6 everybody was trying to say -- well, at that time,
7 they were saying -- excuse my language -- they were
8 saying, "Fuck Styx, fuck Styx," and this and that.

9 Q. Let's talk about that. So everybody at
10 the facility -- everybody somehow didn't read the
11 article that said that Mr. Munoz wasn't snitching on
12 you, or anyone?

13 A. Yes.

14 Q. His co-conspirator. Is that --

15 A. No.

16 Q. Let's move on.

17 Do you recall, again, about two weeks
18 later, after Mr. Munoz had pled guilty, that
19 Detective Lewis came back another time and tried to
20 talk to you about the murder of Animal, Felix
21 Martinez? Do you recall another time he did it?

22 A. No, he only came one time, and I never
23 seen him again.

24 Q. Well, do you recall on May 15, 2007, him
25 trying to interview you, you refused, and while you

1 were walking away you said to him, and I quote,
2 "Fucking snitches in here," end quote?

3 A. That's a possibility.

4 Q. Well, let's just clear it up. Let's see
5 what the report says. I'm going to show you this,
6 okay? This is a report. The investigating officer
7 is Detective Lewis. Do you see that?

8 A. Um-hum.

9 Q. It's a May 15, 2007, date?

10 A. Um-hum.

11 Q. And do you see that he met with you at the
12 MDC? You said you didn't want to be interviewed.
13 And as you were walking away from the interview room
14 to a holding cell in the booking area, you said,
15 "Fucking snitches in here."

16 A. Possibility. Possibility.

17 Q. Well, did you say that or not?

18 A. Probably so. If you want a yes out of me,
19 I probably did say it.

20 Q. So that particular report of Detective
21 Lewis is accurate?

22 A. Yes, sir.

23 Q. But the previous one is not?

24 A. No.

25 Q. Okay. Now, after that interview, you went

1 back to MDC; correct? Or you went back to your
2 cell, or wherever; you went back into population.

3 A. I went back to my cell.

4 Q. And there was an inmate in there by the
5 name of Mark Lugo.

6 A. Yeah.

7 Q. And Mark Lugo was also in the prison with
8 you in 1998, when the murder of Felix happened;
9 right?

10 A. It didn't happen in prison. It happened
11 in the county jail.

12 Q. I'm sorry, in the county jail, right. But
13 Mark Lugo was there. He was your cellmate,
14 actually, at the time you killed Felix Martinez?

15 A. Yes, sir, he was.

16 Q. If you can, just wait til I'm done with
17 the question. It's really hard for her to write
18 everything down --

19 A. Okay.

20 Q. -- if we're both talking at the same time.

21 A. Sorry about that.

22 Q. So you went back -- let's talk about that.
23 In 1998, after you did the murder with Mr. Munoz of
24 Mr. Martinez, you went back up to your cell, didn't
25 you?

1 A. I believe so.

2 Q. And Mark Lugo was your cellmate; correct?

3 A. Yes, sir.

4 Q. And you went in there and threatened him
5 if he told on you for killing Mr. Martinez; correct?

6 A. No, sir.

7 Q. You don't recall threatening him at all?

8 A. No, sir. Mark Lugo is a childhood friend.
9 I never threatened him like that.

10 Q. Do you recall taking your fist, punching
11 him in the face until he fell on the ground, and
12 then raping him?

13 A. No, sir.

14 Q. So this childhood friend of yours, I think
15 you said -- I think I wrote down -- "I don't know
16 why Mark Lugo was saying that"?

17 A. I don't.

18 Q. Where did you hear about it?

19 A. Me and him, Mark Lugo, we grew up together
20 in --

21 Q. When did you hear about the allegation
22 that you raped him? When did you first hear that
23 that was a claim?

24 A. When this started, just, I think, maybe
25 two weeks ago, three weeks ago.

1 Q. So Detective Lewis never asked you about
2 this, ever?

3 A. I never heard nothing about it.

4 Q. Okay. Let's fast-forward back up to 2007.
5 Mark Lugo is back in the MDC with you; correct?

6 A. Yes, sir.

7 Q. And after you get back from this interview
8 where you talk about the snitches being in there, do
9 you recall confronting Mr. Lugo and accusing him of
10 being the snitch that must have told about you?

11 A. No, sir.

12 Q. Do you remember saying to him, quote,
13 "Remember what happened to you," meaning when you
14 had raped him?

15 A. No, sir.

16 Q. Well, let me go ahead and see what we can
17 show you here again. Let's go to page 2241. Again,
18 this is a report of Detective Lewis.

19 Do you see that? You can't see because
20 they give them a number. Just accept my word that's
21 Mr. Lugo, that he adopted. You stated to him,
22 "Remember what happened to you."

23 A. No, I never made that statement.

24 Q. Mr. Lugo knew that you had murdered Felix,
25 didn't he?

1 A. I don't know if he did or not. I gave him
2 a pair of my tennis shoes, my Filas, and that was
3 pretty much it.

4 Q. Your clothing was covered in feces and
5 urine from Mr. Martinez; correct?

6 A. I think it was just urine. He didn't have
7 feces.

8 Q. And you had to get rid of those so that
9 they wouldn't -- the authorities wouldn't grab them
10 and use them as evidence?

11 A. Yes, sir.

12 Q. So you had to flush them down your toilet
13 in your cell?

14 A. I don't remember flushing anything.

15 Q. Mr. Lugo knew you had just participated in
16 that murder, didn't he?

17 A. I think he had suspicions of it.

18 Q. Well, you two talked about it; right?

19 A. No, I never talked to him about it.

20 Q. Going back to the statement you made when
21 you say "Snitches in here," right, you're meaning
22 the MDC, Metropolitan Detention Center; right?

23 A. Yes.

24 Q. Mr. Munoz wasn't in that jail. He was in
25 some prison somewhere else; right?

1 A. Yes, sir.

2 Q. Billy Garcia was in MDC at that time;
3 right?

4 A. Yes, sir.

5 Q. And he was in the same pod that you were
6 in?

7 A. Yes, sir.

8 Q. Styx Archuleta was in that same pod?

9 A. Not at that time. He was in Seg 3.

10 Q. Well, you were both -- let me see. All
11 three of you were in Seg 3 together; correct?

12 A. When Gerald Archuleta first drove up, I
13 got out.

14 Q. Well, you ended up having some discussions
15 with Styx you've talked about; right?

16 A. Yes, sir.

17 Q. And he was the person you were following?
18 You told us earlier you were loyal to him.

19 A. Yeah, at one time, I was.

20 Q. Well, something happened about a month
21 after you made that comment about "Snitches in
22 here." And let's see if you can recall. What would
23 happen was that Billy Garcia, you learned, had
24 checked himself in; is that right?

25 A. Yes, sir.

1 Q. And what does it mean when you check
2 yourself in?

3 A. When you PC, you're in protective custody.
4 And like I said earlier, they put him on the long
5 tier.

6 Q. Protective custody is for either people
7 who have been assaulted or people who are informing
8 on individuals; right?

9 A. Yeah, or they just -- they just fry them
10 for their lives.

11 Q. So at that time, you go around to all the
12 different SNM members after Billy had checked
13 himself in to PC, you went around to all of those
14 people and you told them to not treat Billy any
15 different or nothing until we know, and I think the
16 words are, "what the fuck is going on first"?

17 A. Oh, no, sir, I didn't say it like that. I
18 said there is only there was only -- on the short
19 tiers, there is only six people on the top, six
20 people on the bottom, and whatever brothers were on
21 the top and the bottom, those are the ones I said,
22 "You don't treat the viejo any different," which
23 means the old man, "till we know what's going on."

24 Q. So you talked to several SNM members?

25 A. Yes, sir.

1 Q. And you say to them, and I quote, "I want
2 to know what's going on first, you know, before I
3 make any decisions on what to do."

4 A. No, sir.

5 Q. Okay, well --

6 A. I would never do that with Billy.

7 Q. On December 3, 2015, you were arrested for
8 this charge; right?

9 A. For the murder of Animal, yeah.

10 Q. No, I'm talking about December 3 of 2015.
11 You got roped into this whole --

12 A. Yes, this RICO Act stuff.

13 Q. Right. And when you got arrested, they
14 interviewed you. Do you recall that?

15 A. Yeah, two agents, two FBI agents
16 interviewed me.

17 Q. And they tape-recorded it?

18 A. Yes, sir.

19 Q. And do you recall telling them, quote, "I
20 want to know" -- when you're talking about this when
21 Mr. Garcia had checked himself in, you say, and I
22 quote, "I want to know what's going on first, you
23 know, before I make any decisions on what to do."

24 Do you want to see the transcript?

25 A. If that's what I said, I probably said it,

1 because I was nervous. I mean, you -- they got
2 us -- they got all kinds of people surrounding us
3 with all kinds of firearms, and everything. And
4 you're going to be nervous. You're going to be
5 nervous.

6 Q. They surrounded you with firearms while
7 they were interviewing you?

8 A. They had everybody. They had STG,
9 everybody, FBI agents, all kinds of people with
10 firearms, and of course you're going to be nervous.
11 And they just pulled us all in, you know. I didn't
12 even see who was really there and stuff until I came
13 out.

14 Q. I'm talking about the interview.

15 A. That's what I'm telling you. I was
16 brought in --

17 Q. They had guns pointed at you during the
18 interview?

19 A. No, but I was nervous when I was talking
20 to both of them.

21 Q. Well, let me ask you if this is true or
22 not. Okay? Did you say -- go around to other SNM
23 members after Billy had checked himself into PC, did
24 you go around and say, "I want to know what's going
25 on first, you know, before I make any decisions on

1 what to do"? Did you say that to those people or
2 not?

3 A. No, I don't think so.

4 Q. What was the decision that you needed to
5 make at that point? Was it to kill Billy?

6 A. Just to throw him to me. At that time, I
7 didn't have that kind of pull to do that.

8 Q. Was it to maybe blame him for something
9 you did?

10 A. No.

11 Q. So what decision would you have had to
12 make at that point?

13 A. To have all the other brothers throw him
14 crazy and shit, not give him esquina, not to help
15 him out, you know.

16 Q. And then I think what you told the FBI in
17 December 3, 2015, is right after you said, "I want
18 to know what's going on first, you know, before I
19 make any decisions on what to do," you say, "At that
20 time, that's when the murder came up."

21 Do you recall that?

22 A. No, sir.

23 Q. Do you want to look at the transcript?
24 Let's do that actually. It says here -- this is you
25 talking, right, to the FBI agent. "So at that time,

1 all the brothers that were in Seg 4 -- I mean, I
2 told them, 'Don't treat him no different or nothing
3 till we know what the fuck is going on first, you
4 know. I want to know what is going on first, you
5 know, before I make any decisions on what to do.'
6 At that time, that's when the murder came up.
7 That's when they came -- and the first FBI agent
8 came and said they were charging me with murder and
9 this and that." Did you say that?

10 A. When I referred to --

11 Q. Did you say that to the FBI agent?

12 A. When I referred to that --

13 Q. I'm asking you: Did you say that to the
14 FBI agent?

15 A. I might have. I might have.

16 Q. The fact is that before you ever told
17 anybody, any law enforcement, that you had committed
18 the 1998 murders or the 2001 murders, the thing that
19 caused you to go to them was because you thought
20 Billy Garcia had snitched on you.

21 A. No, that wasn't it.

22 Q. Well, let's talk about it. Because it was
23 within, I think, two weeks after Billy checked
24 himself into PC that you went and sought out people
25 from the STIU unit to say you wanted to talk. Do

1 you recall that?

2 A. The reason, the reason that --

3 Q. Did you?

4 A. -- talked about Billy --

5 Q. Let's see if you can answer the question.

6 The question was: Within two weeks after you heard
7 that Mr. Garcia checked himself into PC, did you or
8 did you not then contact STIU and say, "I want to
9 talk"?

10 A. I'm not quite sure how long it was, you
11 know.

12 Q. Okay.

13 A. Am I able to answer your question about
14 Billy should be a snitch? I never thought about
15 nothing like that. I thought that he stabbed me in
16 the back, as far as leaving me all by myself dealing
17 with Styx. That's what that was about.

18 Q. Let me stop you for a second. I know you
19 want to tell your story. We've got some questions
20 here. You -- in your first interview, you said that
21 Billy knew that you had killed Felix Martinez. Do
22 you recall that?

23 A. Yeah.

24 Q. When he knew that, and he checks himself
25 into the PC, and you think there's snitches in the

1 MDC, and you thought it was him who was snitching on
2 you?

3 A. No, sir.

4 Q. Okay. You told Billy -- well, strike
5 that. When you're in the SNM and you believe
6 someone has snitched on you for a murder, what's the
7 consequence?

8 A. Pretty much death.

9 Q. Yeah, you get a green light; right?

10 A. Yeah, you get a green light.

11 Q. So when you thought Billy Garcia had
12 snitched on you, didn't you put a green light on
13 Billy Garcia?

14 A. I never thought he snitched on me.

15 Q. What's a hotshot?

16 A. Huh?

17 Q. What's a hotshot?

18 A. A hotshot is heroin laced with something.
19 I don't even know what you lace it with.

20 Q. Well, it's something to kill someone;
21 right?

22 A. Right.

23 Q. When you talked to the investigators for
24 the first time, do you recall telling them that
25 Billy Garcia was given a hotshot while he was at

1 MDC?

2 A. No, sir.

3 Q. Do you recall telling him that it wouldn't
4 work?

5 A. No, sir.

6 Q. Okay. Well, let's take a look, if we can.
7 I stand corrected. Do you remember saying that to
8 them in 2017?

9 A. No, sir.

10 Q. You've been given a copy of your reports
11 to look at; right?

12 A. I've never seen none of this stuff you're
13 bringing up.

14 Q. Your lawyer didn't let you see any of your
15 previous interviews?

16 A. I don't -- not this stuff, I don't think.
17 I'm not sure.

18 Q. Did Mr. Beck not go through any of your
19 statements with you before?

20 A. I don't know. You haven't even shown it
21 to me.

22 Q. Okay. We'll go through it and see if any
23 of this is wrong. On January 5, you were
24 interviewed by some members of the FBI, and the
25 United States Attorney's Office; is that correct?

1 Over at Sandoval County? Do you recall that, where
2 your lawyer was present?

3 A. Yes, sir.

4 Q. Okay. And that was Mr. Castellano who was
5 there. Do you recall that?

6 A. Yes, sir.

7 Q. And they gave you something called a
8 Kastigar letter, or a letter that said that your
9 words wouldn't be used against you.

10 A. I believe so.

11 Q. And you signed it, saying you understood
12 what it meant?

13 A. Yes, sir.

14 Q. And they talked to you about the murder of
15 Animal; is that right?

16 A. Yes, sir.

17 Q. I don't wear glasses very often, but
18 perhaps I should more often. I'm going to go to
19 another line of questioning and have somebody else
20 with better eyes find it for me.

21 Sir, did you try to give Billy a hotshot,
22 and he refused to take it?

23 A. No, sir, I haven't seen Billy since we
24 were at MDC.

25 Q. I'm talking about 2007.

1 A. I haven't seen him since then.

2 Q. Okay.

3 A. I seen him when he drove up.

4 Q. We'll talk about that. On July 25,
5 2007 -- I guess we found it.

6 Do you recall on that January 5, 2017,
7 interview describing an incident in which a person
8 sent a hotshot, a lethal dose of heroin, to Billy
9 Garcia. Do you recall telling them that?

10 A. No, sir.

11 Q. And you then said: "I don't know who sent
12 it, but I do know that Mr. Garcia did not ingest the
13 drugs, did not take them."

14 A. No, sir.

15 Q. Only the person who tried to give
16 Mr. Garcia a hotshot would know that he didn't take
17 it.

18 A. I don't even know what a hotshot is. I
19 don't even know what it's made of. I just know it's
20 heroin and something else. That's it.

21 Q. I think you told the Government on direct
22 examination that it's heroin mixed with something
23 that will kill someone.

24 A. No, I didn't.

25 Q. You didn't say that?

1 A. I said mixed with something that -- I
2 didn't say kill somebody, but it was something else.
3 You know, I didn't use the word "kill somebody." I
4 just said it was mixed with something else.

5 Q. Do you know what dry snitching is, sir?

6 A. Yeah.

7 Q. That's where you tell the authorities
8 about something that might not be true to get
9 somebody in trouble, get them out of your face, get
10 them away from you?

11 A. Yes sir. There's all sorts of forms of
12 dry snitching.

13 Q. Okay. Well, if they want to get into
14 that, they can ask you some questions about it.
15 Okay?

16 On July 25, you did finally meet with
17 Detective Lewis; right? Do you remember that? It's
18 an interview, it's recorded. And you got to look at
19 that transcript; right?

20 A. When?

21 Q. July 25, 2007 -- or I'm sorry, that wasn't
22 the recorded one. You met with them on July 25 --
23 before you had the recorded one, do you remember
24 having another meeting with Detective Lewis, in
25 which he said -- well, in which you said you wanted

1 to trade information in return for some
2 consideration. Do you recall that?

3 A. I remember when I asked them for
4 protection and to protect my girlfriend at the time,
5 because she was pregnant. I remember that
6 conversation.

7 Q. Well, let's take a look at it. This is
8 this report by Detective Lewis -- and it gives a
9 number, but this is you -- where he met with you,
10 and you told him that you wished to provide
11 information about the SNM Prison Gang and three
12 murders. But he stated he wished to provide this
13 information in exchange for consideration from the
14 District Attorney's Office. Did you or did you not
15 ask that?

16 A. No, sir. I -- when I asked them for
17 anything, I asked them for protection, and for -- to
18 protect my girlfriend at the time, who was pregnant,
19 for my son.

20 Q. Well, you ended up meeting with them and
21 doing a recorded interview on August 8, 2007;
22 correct?

23 A. I guess.

24 Q. Do you recall -- whenever the date was --
25 doing a recorded interview with them?

1 A. Yeah.

2 Q. And the end result of that was that you
3 got a 15-year deal for the killing of Felix Animal
4 Martinez; right?

5 A. Yes, sir.

6 Q. And also, the result of that was for nine
7 years after that, the State never charged you with
8 the 2001 murders.

9 A. There wasn't even -- those murders weren't
10 even thought of then.

11 Q. Well, okay. We'll get to that in a
12 minute.

13 When you gave the statement in 2007, the
14 final one, where you're tape-recorded and you talk
15 to them about your murder of Animal and the 2001
16 murders, do you remember that interview?

17 A. Yes, sir.

18 Q. When you made that, you said that you came
19 forward because you did it out of anger?

20 A. Yeah. I felt that Billy Garcia betrayed
21 me. That's how I felt.

22 Q. Okay.

23 A. You know?

24 Q. And that's why he was in PC?

25 A. I don't know why he was in PC.

1 Q. And in fact, I think you said you
2 thought -- well, I'll go on. During that interview,
3 will you take my word for it, that it's August 8,
4 2007?

5 MR. CASTLE: Will the Government
6 stipulate?

7 MR. BECK: What date?

8 MR. CASTLE: August 8, 2007.

9 MR. BECK: Yeah, we'll stipulate to that.

10 BY MR. CASTLE:

11 Q. They first talked to you about the Animal
12 murder; right?

13 A. In 2007, yes.

14 Q. Okay. And one of the first things they
15 told you was that you're going to have to tell them
16 something more than the Animal murder because they
17 already had you dead to rights on the Animal murder?

18 A. Yes, sir.

19 Q. So you had to give them something more;
20 right?

21 A. Yes, sir.

22 Q. Now, when a detective tells you they want
23 something more, they have to get something that you
24 want, it's important to try to say -- to give them
25 information on somebody about you, not just somebody

1 below you; is that fair?

2 A. Yeah.

3 Q. And so at that time you told them about
4 the 2001 murders that you orchestrated and planned
5 out; correct?

6 A. Yeah. Yes, sir.

7 Q. And you then said, "Well, but I only did
8 it because I was ordered to do it by Billy Garcia";
9 correct?

10 A. Yes, sir.

11 Q. You told them that Billy tells you about
12 the plans in secret, in his cell -- or your cell?

13 A. In my cell.

14 Q. You're not supposed to go into other
15 people's cells; right?

16 A. We always did it, no matter what.

17 Q. Now, at various times throughout the
18 years, law enforcement has asked you some questions
19 about, you know, who can you tell me will back this
20 story up? Who can show us what you're saying is
21 true? Do you recall that over the years?

22 A. Yeah.

23 Q. And the first time when you talked to him,
24 you said that, "Well, the authorities are going to
25 know that Billy and I met because they have

1 videotape of the two of us meeting out on the yard."

2 Do you recall that?

3 A. I don't remember saying exactly that, but
4 I remember saying that they -- STIU or at the time
5 STG takes pictures and that they might have videos,
6 because at that time they were filming everybody.

7 Q. Well, back in 2007, do you remember a
8 person by the name of Warden Tafoya? He was the
9 warden at Southern at the time of the 2001 murders;
10 right?

11 A. I believe so.

12 Q. Do you recall telling them, "Tafoya and
13 them from the STG said they had me and Billy on
14 camera talking to each other, and if that's true,
15 then why did -- pretty much if they had us on
16 camera" -- and then you go on. Do you recall
17 telling them that, that Warden Tafoya and some STG
18 officers said they had you guys on video talking to
19 each other out in the yard?

20 A. No, sir, I don't remember saying that.
21 All I remember is Warden Tafoya and Captain Armenta
22 and them coming to my cell after they shipped Billy
23 out. And they said that I was going to --

24 Q. I don't want to know what they said, other
25 than about the video. Okay?

1 A. I didn't say anything about the video.

2 Q. Well, the reason you're denying that now
3 is because you know that we've gone back and found
4 out that that just isn't true.

5 A. I didn't know it until you just said it
6 now.

7 Q. You told them back then, before they were
8 able to check out your story, that corrections
9 officers had hand-held video cameras on the roofs,
10 and they would have been able to film you and Billy
11 together; is that right?

12 A. They had cameras filming everybody.

13 Q. And they had regular cameras -- not video
14 cameras, but regular cameras -- taking photos of all
15 of this?

16 A. They had all the video cameras at the
17 time. They'd be up on the roof taking pictures of
18 everybody, videotaping everybody.

19 Q. So getting those videos would show you and
20 Billy together. That's what you were telling them
21 in 2007.

22 A. Possibility.

23 Q. But there weren't officers up there
24 videoing you guys all the time.

25 A. Yeah, they were. Yeah, they were.

1 Q. Okay. You made sure that you had, for
2 yourself, an alibi for when the murders took place,
3 didn't you?

4 A. An alibi of what?

5 Q. Well, you made sure that you were -- and I
6 think you told us --

7 A. I was standing right next to Billy, where
8 he's at.

9 Q. Can you please let me finish my question
10 first? You said you had an alibi by having
11 breakfast. And then I think you said you went
12 somewhere else where they were handing out laundry;
13 is that right?

14 A. Where they hand out the toilet paper and
15 other supplies like that.

16 Q. Now, you've testified that the two murders
17 were supposed to be done by strangulation; correct?

18 A. Yes, sir.

19 Q. That was the method that you and Munoz had
20 done in 1998; right?

21 A. Yes, sir.

22 Q. Mr. Billy Garcia wasn't in the Bernalillo
23 County Detention Center in 1998, when those murders
24 were happening?

25 A. No, sir.

1 Q. So you would be a person there at Southern
2 that knew exactly how to do the strangulations back
3 in 2001? You would have been probably the number
4 one expert on that; right?

5 A. No, because I didn't make no rope. I
6 don't even know how to make a rope.

7 Q. Okay. You don't know how to make anything
8 that could strangle anybody; right?

9 A. No, sir.

10 Q. Aren't you a heroin user?

11 A. I've used it in the past, but I haven't
12 used it all my life.

13 Q. And you've shot it up?

14 A. Yeah. I've tried it.

15 Q. You still don't know how to make anything
16 that could be used as a ligature?

17 A. I've tried it.

18 Q. All right. How did you make the ligatures
19 that were used to kill Mr. Castellano and Mr. Garza?

20 A. I didn't make it.

21 Q. How did you tell those people to make
22 them?

23 A. I didn't make it.

24 Q. Well, what did you tell them?

25 A. I wasn't supposed to make it or nothing.

1 Because I didn't make it.

2 Q. Did you just say, "Strangle them"?

3 A. I didn't tell them to strangle them.

4 Q. I thought you said that Billy -- you told
5 them that Billy said they need to be strangled.

6 A. That happened over there at Southern.
7 Billy is the one that said he wanted it by
8 strangulation.

9 Q. Okay.

10 A. Billy is the one that said he wanted it
11 done by strangulation. I didn't say anything about
12 it. I just agreed with it.

13 Q. Then you go talk to Eugene Martinez;
14 correct?

15 A. Yes, sir.

16 Q. And you tell him it should be done by
17 strangulation; correct?

18 A. Yes, sir.

19 Q. Did you tell him how to do it?

20 A. No, sir.

21 Q. And then the second team of people -- you
22 said you went over and told them that they needed to
23 strangle the second inmate; right?

24 A. Yes, sir.

25 Q. You didn't tell them how to do it.

1 A. No, sir. I just told them that Billy
2 wanted it to be done by strangulation and I just
3 agreed with it.

4 Q. But somehow these two teams did it exactly
5 the same way you and Munoz did it in 1998.

6 A. Well, that's them.

7 Q. Okay. What was Leroy Lucero's position at
8 Southern before the murders happened?

9 A. As far as I know, he wasn't even there
10 when I was there. Smurf wasn't even there. I think
11 the last time I had seen Smurf was in RDC.

12 Q. So he wasn't at Southern at all in 2001?

13 A. I don't remember. I don't recall. Just
14 like they said he was there, I don't remember seeing
15 him there, either.

16 Q. How many SNM members were in Southern in
17 2001?

18 A. There was about 70 or 80.

19 Q. You didn't know Leroy Lucero was there?

20 A. No, I didn't.

21 Q. Did you know that it was Angel Munoz, the
22 man who brought you into the SNM, that ordered the
23 hits?

24 A. I never knew about none of that stuff.
25 None of that.

1 Q. Okay. Now, that August 8 interview that
2 we're talking about, that was the fifth time that
3 law enforcement attempted to talk to you about the
4 murder of Animal. Does that sound about right?

5 A. Excuse me? What was that?

6 Q. The fifth time they tried.

7 A. When?

8 Q. When you finally admitted that you had
9 strangled -- or participated in the strangling of
10 Felix Martinez, that was the fifth time they tried
11 to talk to you.

12 A. I'm not sure. I'm not sure.

13 Q. Now, do you recall earlier telling us you
14 never, ever knew that your DNA came back at the
15 crime scene, the Felix Martinez crime scene? Do you
16 recall saying that?

17 A. Yes, sir.

18 Q. That wasn't true, was it?

19 A. All I remember is them swabbing me, and
20 that's it.

21 Q. Do you recall right in that interview,
22 page 218, they say, "Your DNA came back at the crime
23 scene." Do you see that?

24 A. Um-hum.

25 Q. So they told you that.

1 A. That was in one of the interviews? I
2 think that was -- I think that was the first -- the
3 interview with that first detective. He said that.

4 Q. Right.

5 A. Yeah, I guess he thought that I was going
6 to tell him something, or something, and that's when
7 I told Jason Ellis, "Take me back."

8 Q. This is the interview where you -- on
9 August 8, 2007, where you finally spilled the beans
10 on yourself; right?

11 A. That might have been the one when we went
12 to the courthouse. I'm not sure.

13 Q. Let's look at it again. August 8, 2007,
14 you're talking to Troy Davis at the District
15 Attorney's Office. Do you see that?

16 A. Yeah.

17 Q. Okay. And right in the beginning they
18 said they record everything. Do you see that?

19 A. Yes, sir.

20 Q. And they tell you, "What you're telling us
21 is going to have to rise to a federal level." Do
22 you see that?

23 A. I remember I read all that.

24 Q. Okay. Then they go on. I'm going to get
25 to the page that I'm talking about. In the very

1 beginning, right here is where they're telling you
2 they have your DNA; right? Right in the beginning.

3 A. I think that when they were telling me
4 that, I think that's when they had already swabbed
5 me. And that's when I had said that -- because they
6 had already swabbed me, the detective.

7 Q. They swabbed you once before, but they
8 told you it had come back from the lab, and your DNA
9 was at the murder scene; the gig is up.

10 A. I didn't know until all that right there.

11 Q. That's when they said: "What you've got
12 to give us is going to have to really outweigh what
13 we've got on you"; right?

14 A. Yes, sir.

15 Q. And do you remember what your response
16 was?

17 A. If I remember correctly, I think I told
18 them that I got something bigger than what was
19 there. And I think I mentioned something about the
20 murders in Las Cruces.

21 Q. Well, do you remember saying, "You know,
22 I'm going to bring down a lot of top-rank people and
23 stuff." Do you recall saying that?

24 A. Not exactly. But, you know, I might have
25 said that. I don't remember it exactly. But it's

1 been a long time.

2 Q. Do you recall -- before you ever gave any
3 information, do you recall asking them the
4 following: "But the thing is, before I reveal any
5 details on anything or on other stuff, I need to
6 know that, you know, what's coming my way; you know
7 what I mean? Being offered, because you know
8 what -- I mean, I said already, you know. But to
9 get into the detail and everything, you know, I want
10 to know what I'm being offered, too. Because I know
11 right now I'm facing a life sentence for capital
12 murder. It's death penalty, you know." Do you
13 recall that?

14 A. I think I probably did say that at the
15 time, you know; that was my -- I think my first
16 interview. And I was a little nervous on that
17 interview. If you look more into that interview,
18 you see where I'm even laughing a little bit.

19 Q. I understand you want to explain things.
20 Okay? But you were nervous because you thought you
21 might be getting the death penalty for what you did
22 to Felix Martinez; right?

23 A. Probably.

24 Q. And you also knew that you'd ordered two
25 other murders by this time.

1 A. I wasn't even -- to be honest with you, at
2 the time, I didn't --

3 Q. Did you know --

4 A. -- understand.

5 Q. -- on August 7, you already knew that
6 you'd ordered two murders in 2001; right?

7 A. Yeah, but you got to understand --

8 Q. Yes or no, sir.

9 A. I wasn't -- this is the first time I had
10 ever done something like this. And I didn't really
11 know what was going --

12 Q. You had a lawyer there, sir. You had the
13 assistance of a lawyer during this hearing, this
14 meeting; right?

15 A. Yeah, but --

16 (Simultaneous crosstalk.)

17 A. That lawyer didn't show up until we were
18 already into the conversations.

19 Q. So you were so nervous that you said here,
20 "I need to know what I'm getting if I'm going to
21 talk to you guys"; right?

22 A. Yeah, well, at the time --

23 Q. Yes or no?

24 A. -- I probably did say that.

25 Q. Yes or no?

1 A. I probably did.

2 THE COURT: Mr. Lujan, we're going to have
3 to let Mr. Castle finish his question before you
4 start answering. My court reporter is having some
5 trouble --

6 THE WITNESS: Okay.

7 -- getting everybody straight. So let
8 Mr. Castle finish, and you can answer.

9 THE WITNESS: Okay.

10 BY MR. CASTLE:

11 Q. You go on in the interview, and say, "A
12 lot of things that I'm going to reveal, you know, I
13 want to know what I got coming, you know." Do you
14 recall that? Yes or no?

15 A. I probably did say it.

16 Q. And then the investigator tells you, "And
17 now you're going to have to really outweigh that
18 scale so Mr. Davis, the prosecutor there, could go
19 to his bosses so he could work out -- we all work
20 for the same people. You know that."

21 Do you recall that being said?

22 A. Yes, sir.

23 Q. And then you told them, "The thing -- the
24 thing is, Mr. Davis, everything that's being said,
25 everything that's being agreed, I want on paper."

1 Do you recall that?

2 A. Yes, sir, I recall that.

3 Q. And do you recall that after -- you had
4 already asked for the feds to get involved; is that
5 right?

6 A. I had already asked, because I kept asking
7 for protection and --

8 Q. Did you ask for the feds to get involved?
9 Yes or no?

10 A. I probably did.

11 Q. Okay. Now, do you recall that what they
12 said is, "And the other thing, if we get -- you
13 know, if you get us details, we can get the feds
14 involved, too. They have all the money."

15 A. Yeah, I believe that's what they said.

16 Q. And you've gotten money; right?

17 A. Yeah.

18 Q. Okay. At that time, in that interview, do
19 you recall telling them that you were a captain in
20 the SNM?

21 A. Yes, sir.

22 Q. But since that time, you've denied that
23 you held that kind of rank.

24 A. Well, yeah, because in the SNM --

25 Q. Well, do you recall that you've denied

1 that since then?

2 A. Yes, sir.

3 Q. During that interview, in 2007, they asked
4 you some questions about Angel Munoz. Do you recall
5 that?

6 A. Yes, sir.

7 Q. And you told them that you'd done some
8 drug-dealing and importation of drugs with Mr. Angel
9 Munoz?

10 A. No, sir, I never said anything like that.

11 Q. Page 223, do you recall saying, "A lot of
12 the context that I've been told and stuff are coming
13 out of New Mexico. I don't know exactly who they
14 are or nothing like that. But that right there has
15 never been released to me. But I know it's coming
16 out of New Mexico. And the reason I know that is
17 before Angel and Jacobo died" -- which is Jacob --
18 "before they both died and stuff, I'd already had
19 conversations with them as to that." Do you recall
20 that?

21 A. Not with Angel. With Jacobo.

22 Q. It says, "What's Angel's last name?" And
23 you say, "Munoz."

24 A. Yeah.

25 Q. They also asked you about Gerald Archuleta

1 during that interview. Do you recall?

2 A. Yes, sir.

3 Q. And you said he was the current leader of
4 the SNM?

5 A. Yes, sir.

6 Q. Do you recall that it was Angel Munoz who
7 ordered you and Frederico Munoz to do the murder of
8 Animal, Felix Martinez; right?

9 A. Yes.

10 Q. That's because if Angel Munoz orders you
11 to do something, you do it?

12 A. Yes, sir.

13 Q. Including murder?

14 A. Yes, sir.

15 Q. And that never ended until the day he
16 died?

17 A. Yeah, until the day he died, he stayed in
18 power.

19 Q. Now, during that interview with the
20 detectives, do you recall telling them, "I know I've
21 got an extensive background and everything, and my
22 background ain't a real violent one other than the
23 murders"?

24 A. Yes, sir.

25 Q. When you were making this statement, you

1 knew in your heart that you were a violent person
2 and committed many violent acts, other than the
3 murders.

4 A. All I've ever done, pretty much, is just
5 residential burglaries and auto burglaries.

6 Q. Stabbing the guy in the neck and the
7 spleen; right?

8 A. Well, that was in jail. That was in jail.
9 That's not on the streets. I was referring to the
10 streets when I said that.

11 Q. Oh. How old are you, sir?

12 A. I'm 51.

13 Q. How many years have you been in prison?

14 A. I've been in and out since 1986, pretty
15 much. Almost 30 years now.

16 Q. When did you go in? At what age were you?

17 A. I believe I was 18 years old, 19,
18 somewhere around there.

19 Q. So when you say, "My background ain't a
20 real violent one," you were just saying when you
21 were zero to 17 years old, you weren't violent; but
22 after that, you have been?

23 A. Well, when I said that, I was pretty much
24 referring to what I've done on the streets. I've
25 never -- it wasn't what I was -- what I have done in

1 prison and stuff, or in jail.

2 Q. Well, I want to ask you a couple of
3 questions on something you said earlier. You said
4 that Mark Lugo didn't know that you had murdered
5 Felix Martinez. Do you recall that?

6 A. I don't know if he did or not. I'm pretty
7 sure he probably did. But I don't know if he did or
8 not. He didn't say nothing.

9 Q. Do you remember telling him to leave so
10 that you and Frederico Munoz could make some -- do
11 some plans there about the killing? Do you recall
12 that?

13 A. I remember telling him to leave the room
14 for a minute.

15 Q. The detectives, when you were talking
16 about the Animal murder, do you recall they asked
17 you why you did it?

18 A. I think they did ask me why I did it.

19 Q. And your response was, just like it is
20 today with the 2001 murders, that someone made you
21 do it.

22 A. No. I told them -- I think I explained
23 exactly why I did it, why we did it. Because at
24 that time, because if I can speak and say the whole
25 thing --

1 Q. Let's hold off. If they want you to, they
2 can ask you some questions.

3 A. All right.

4 Q. Do you recall that you said that you did
5 that murder because you were naive?

6 A. I don't remember saying that.

7 Q. Okay. Well, let's go --

8 MR. BECK: May I have a document number?

9 MR. CASTLE: Page 249.

10 BY MR. CASTLE:

11 Q. Do you see that says -- you're saying, "So
12 I was being naive and manipulated at the time." Do
13 you see that?

14 A. If I said it, I must have messed up, but
15 you know --

16 Q. What do you mean by "naive"?

17 A. I don't know -- I've never meant to say
18 that, to tell you the truth, because I've never been
19 naive on anything. I've always known what was going
20 on.

21 Q. The detectives asked you why you did it.
22 And you said, "At the time that I did do it, I had a
23 lot of anger, you know. I was angry with a lot of
24 shit. I had just suffered multiple gunshot wounds
25 and everything, you know. At the time I had a

1 post-traumatic stress disorder and stuff. I'm not
2 trying to give that as an excuse or anything, but at
3 that time I didn't give a fuck about nothing, excuse
4 my language, but at that time I didn't, so I was
5 being naive and manipulated at the time."

6 Do you recall saying that?

7 A. When I said that statement --

8 Q. Do you recall saying that statement?

9 A. I recall the statement.

10 Q. Okay. So let me ask you some questions
11 What does "naive" mean to you?

12 A. Naive means that -- dumb, being dumb.

13 Q. You didn't know any better?

14 A. Yeah, didn't know no better or nothing.

15 Q. You knew better than to commit murder.

16 A. Yeah. Just like I said, I had a lot of
17 anger at that time.

18 Q. So really, the murder was about you
19 getting to express your anger.

20 A. No.

21 Q. That's what you said.

22 A. That's -- I was angry when I did it.

23 Q. And so it was anger that made you do
24 whatever it is you did with Mr. Lugo?

25 A. No, I never did nothing with Mr. Lugo.

1 Q. They asked you about the 2001 murders in
2 that same interview; right?

3 A. Excuse me?

4 Q. In that interview that we've been
5 discussing, they talked to you about the 2001
6 murders down in Southern; right?

7 A. Yes, sir.

8 Q. By 2001, were you still naive?

9 A. No.

10 Q. So between '98 and 2001, you stopped being
11 so naive?

12 A. Yeah, I guess I just -- I didn't have that
13 anger that I had anymore.

14 Q. You're still being treated for that anger;
15 right?

16 A. Yeah, but the anger I have now doesn't --

17 Q. I'm just asking yes or no.

18 A. Yes.

19 Q. You put Eugene Martinez in charge of one
20 murder; right?

21 A. Yes, sir.

22 Q. And do you recall what you said exactly to
23 him, word for word?

24 A. I pretty much just told him that --

25 Q. No, no. I'm asking if you remember word

1 for word.

2 A. Yes, pretty much.

3 Q. Okay. Do you remember saying to him --
4 going over to him and saying that you wanted to
5 "break bread like Jesus said, I'm the messiah"?

6 A. I never said that.

7 Q. You never said that to Eugene Martinez?

8 A. Never once said that to Eugene.

9 Q. That would be pretty horrible, huh,
10 planning a murder and using Jesus' name, and saying
11 you were the messiah? That would be pretty
12 horrible.

13 A. Yeah, I wouldn't say something like that.

14 Q. Well, what you were trying to tell him was
15 that you were going to take over the yard there at
16 Southern?

17 A. No, sir.

18 Q. Well, you and Eugene have talked a lot
19 since the 2001 murders, haven't you?

20 A. No, sir.

21 Q. Well, let's go back. Those officers back
22 in 2007, they asked you about Eugene. You're
23 talking about Eugene. They asked you: "Did he give
24 you any specifics on, like, how it happened, or what
25 was done?"

1 And you go, "Um-hum."

2 And then they ask you: "Did Eugene
3 Martinez ever talk to you after the murders
4 occurred?"

5 And you said, "Yeah. Oh, yeah, me and
6 Eugene have talked a lot."

7 Do you recall telling them that?

8 A. I haven't seen Eugene in a lot of years.
9 All these guys have been on the streets.

10 Q. Well, let's take a look, page 268. Did I
11 misquote it, or did they ask you: "Did Eugene
12 Martinez ever talk to you after the murder?"

13 And you say, "Yeah. Oh, yeah, me and
14 Eugene have talked a lot."

15 A. I must have misspoken on that, because I
16 haven't seen none of these guys in years.

17 Q. Well, you and Eugene have talked many
18 times about how to fake being crazy in order to get
19 what you want, haven't you?

20 A. I haven't seen Eugene in years.

21 Q. So the answer is no?

22 A. No.

23 Q. Now, when you made that first statement,
24 if I understand you correctly, what you're saying is
25 that you had two teams to kill the guys; right? And

1 then you had two other teams to kill them in case
2 they didn't do your orders; is that right?

3 A. Not necessarily kill them, but move on
4 them.

5 Q. So you had four total teams; right?
6 That's what you're saying?

7 A. Three -- wait, yeah, maybe -- yeah, four.

8 Q. Four, okay. But when this first interview
9 happened, you didn't mention that there was a team 3
10 and a team 4, kind of backup folks to try and kill
11 the first two teams, did you?

12 A. It was only three, now that I'm thinking
13 about it. It was only three.

14 Q. Well, I think you indicated there was a
15 more recent statement that there was a third team
16 that was to kill the individuals who were ordered to
17 do the murder of Garza, and then there was another
18 team, a fourth team, that was supposed to kill the
19 murderers of Mr. Castillo, if they didn't do that?

20 A. No, sir.

21 Q. You didn't say that?

22 A. No, sir. It was three.

23 Q. And the names of those people, I think --
24 who did you say they were? The backup teams?

25 A. Sleepy, who was Rick Sandoval; Smurf --

1 Q. Let's stop at Rick Sandoval. There was no
2 inmate by the name of Rick Sandoval that was even in
3 Southern New Mexico Correctional Facility at the
4 time --

5 A. Well, my --

6 Q. Let me finish. On March 25 or 26 of 2001,
7 there was no person by the name, was there?

8 A. Yeah.

9 Q. There was?

10 A. He was there.

11 Q. We're going to be able to find that in the
12 records?

13 A. Right.

14 Q. And then you said it was somebody by the
15 name of Smurf, but it wasn't Leroy Lucero, Smurf?

16 A. No, it was the one that was from Anthony,
17 New Mexico. And then Gumby.

18 Q. Was it Daniel Archuleta? Was that the
19 Smurf you say, Daniel Archuleta?

20 A. I think that might be him. I'm not quite
21 sure.

22 Q. He wasn't in the prison at that time?

23 A. I saw his picture, you know. And the
24 other one was Gumby; his last name was Blea, I
25 think. And then Scotty.

1 Q. Scotty who?

2 A. I don't know his last name. But I know he
3 was from here, from Las Cruces. And he's the one
4 that --

5 Q. These are people that you tasked to
6 murder; right?

7 A. Um-hum.

8 Q. And you can't give us their names?

9 A. Like I told you earlier, I don't know a
10 lot of their names. I just know their nicknames and
11 stuff, and stuff like that.

12 Q. Did you tell them to strangle, like you
13 did the first two crews, or did you tell them a
14 different way?

15 A. In a different way.

16 Q. Okay. Which way?

17 A. By sticking them. They had already had
18 their shanks in the yard.

19 Q. We asked actually a little bit about the
20 violence a few minutes ago, where you had told them
21 that you weren't violent, except for the murders.
22 Okay?

23 Do you recall the first person that you
24 did was -- you did a hit on a guy who you couldn't
25 even give them their name. It was a white boy. Do

1 you recall that?

2 A. Yeah.

3 Q. Did that man die?

4 A. No.

5 Q. Was he stabbed?

6 A. Yeah.

7 Q. Is that the person that you say was
8 drowning in their own blood?

9 A. That --

10 Q. You've got to wait till I'm done, sir. Is
11 that the person you said was drowning in their own
12 blood six hours later?

13 A. Yes, sir.

14 Q. In that plea agreement that the Government
15 had you do, did they make you admit to that murder
16 as part of your plea agreement?

17 A. No, sir.

18 Q. I'll talk to you about another act of
19 violence. Do you recall punching a woman who was a
20 friend of Carla, punching her in the nose? Do you
21 recall that? Putting her in the hospital?

22 A. My sister?

23 Q. Your sister is Carla. But her friend.

24 A. No, I don't remember punching any of her
25 friends.

1 Q. You don't recall making a phone call where
2 you said -- you know Christy? Who is Christy?

3 A. That's my niece.

4 Q. "I've done some fucked-up shit, you know.
5 I've done some fucked-up shit. But I never put a
6 woman in the hospital or nothing like that, you know
7 what I mean? I've never fucking cut open eyes or
8 nothing except for -- except for fucking Carla's
9 friend. I broke her fucking nose. But it was her
10 fault. She dug her nails into me, you know."

11 Do you recall saying that on a phone call?

12 A. No, I don't even know -- nobody, Carla,
13 other than a girl that I dated from Questa, and me
14 and her -- and that was when we were young kids, and
15 teenagers and stuff. I never touched her.

16 And I hit one girl when we were out
17 drinking and stuff. But her name ain't even Carla.

18 Q. I know. It's Carla's friend. You drew
19 back -- I think these are your words, "I drew back
20 and fucking clocked her, you know."

21 A. No.

22 Q. That's not your words? If I give you a
23 transcript of that phone call -- let me see if I
24 can -- January 27, 2015, you're calling Christy.

25 A. Yeah.

1 Q. I want you to read down here. Let me know
2 when you're done, and I can switch the page.

3 A. There are only two Carlas that I know.

4 Q. I'll switch the paper. Read it here.
5 Okay. So you're talking to your niece, and you said
6 you "drew back and fucking clocked her." "I just
7 drew back, clocked her," and then you said, "I
8 didn't mean to hit her that hard. But oh, well, ha
9 ha."

10 A. Oh, I know what incident you're talking
11 about now.

12 Q. So this phone call happened; right?

13 A. Yeah, I talked on that, talked about that.

14 Q. All right. You've already talked about
15 this Texas Syndicate guy. His name was Pepe?

16 A. Yes.

17 Q. And you stabbed him so many times that it
18 required 300 stitches to put him back together. Do
19 you recall that?

20 A. I never stabbed him.

21 Q. What did you do?

22 A. I hit him with the bottom of the broom in
23 the head.

24 Q. Did it cause -- well, you stabbed him with
25 the bottom of the broom; correct?

1 A. No, sir.

2 Q. Did he end up having lacerations, cuts to
3 his body?

4 A. I hit him with the bottom of the broom.
5 There was no stabbing.

6 Q. Did you open up cuts and lacerations on
7 his body? Yes or no?

8 A. With the bottom of the broom, yes, sir.

9 Q. Lots of blood?

10 A. Probably.

11 Q. Do you recall in 1999, while at the
12 Central New Mexico Correctional Facility, you and a
13 guy by the name of John Martinez, also known as
14 Speedy -- you assaulted an inmate by the name of
15 Dominic.

16 A. Yeah.

17 Q. You know that we have your prison records;
18 right?

19 A. I know.

20 Q. And the Government had them, right, and
21 you know the Government has them?

22 A. Yes.

23 Q. And one of the things they told you to do
24 was admit on the stand the things that everyone
25 already knows about. Do you recall that?

1 A. Yeah, I remember doing that.

2 Q. When you did this assault, you were
3 extorting younger inmates for drugs, mainly heroin.
4 Do you recall that?

5 A. Yes, sir.

6 Q. You threw him to the ground; right?
7 Dominic?

8 A. Yes, sir.

9 Q. And you took his pants down. Do you
10 recall that?

11 A. Yes, sir.

12 Q. And you took your hand, and you inserted
13 it in his rectum to see if he had any heroin in
14 there?

15 A. I didn't do that.

16 Q. Well, then you got a syringe and injected
17 the heroin you got from his rectum and put it in
18 your body.

19 A. I did some heroin, but I didn't get it
20 from him, from the rectum. Speedy did that.

21 Q. Do you recall telling -- I think this was
22 an interview you did on February 27, 2014, and it
23 was with a U.S. Attorney there by the name of Jack
24 Burkhead. Do you remember that?

25 A. Yes, sir.

1 Q. And Mr. Burkhead did a pretty -- well, and
2 the FBI agent that was with him did a pretty long
3 interview of you; right?

4 A. Yes, sir.

5 Q. They were able to talk to you personally,
6 one-on-one?

7 A. Yes, sir.

8 Q. No one prepped you prior to that meeting,
9 did they?

10 A. No, sir.

11 Q. And so they got to see you without any
12 preparation; right?

13 A. Yes, sir.

14 Q. And they were asking you questions about
15 lots of things, including the 2001 murders, and also
16 the assault on Dominic; right?

17 A. Yes, sir.

18 Q. And when you talked to them, do you recall
19 telling them that you threw Dominic to the ground,
20 found a small amount of heroin in his asshole, or
21 rectum. You slapped Dominic around for a while.
22 Then you got a syringe and injected the heroin in
23 front of him?

24 A. Yeah, but I didn't say that I put my hand
25 in his rectum, or my finger or anything in his

1 rectum. I said I took him down and everything, and
2 slapped him around and took his heroin.

3 Q. Who was the person that did that?

4 A. John, Speedy.

5 Q. Okay. Did you say that in this interview
6 with Mr. Burkhead from the U.S. Attorney's Office?
7 Do you want to take a look?

8 A. You're going to show me what you're going
9 to show me, and you know it's --

10 MR. BECK: Is there a Bates number?

11 A. I didn't insert my hand into nobody's
12 rectum.

13 Q. You just work with people who do that?

14 A. I guess. If that's what Speedy wanted to
15 do, you know.

16 Q. Do you recall in 1999 through -- somewhere
17 in the 1999-to-2000 range, while still at the
18 Central facility, you assaulted a person by the name
19 of Frederick Maes?

20 A. Yes, sir.

21 Q. And you conducted that hit in the chow
22 hall right in front of everyone; right?

23 A. Yes, sir.

24 Q. So that corrections officers and all the
25 inmates would see how violent and brave you are?

1 A. That wasn't what it was about at all.

2 Q. I want to talk to you about this time that
3 you were working as a pistolero or armed bodyguard.
4 That was in 2005 or '06. Do you recall that?

5 A. Yes, sir.

6 Q. But you've never really been able -- this
7 was for a drug trafficker from Mexico; right?

8 A. Yes, sir.

9 Q. But throughout all the years you'd been
10 questioned about that, you've never identified the
11 person who you were running -- or, I guess doing
12 protection for, so they could bring drugs into this
13 country?

14 A. The one that can identify her better than
15 I could is Mario Montoya.

16 Q. But you've never identified that person;
17 correct?

18 A. I don't know her exact name. I forgot her
19 exact name.

20 Q. Well, while you were working for -- you
21 forgot her last name because you know what would
22 happen if you told the authorities or anyone who it
23 was from the Mexican cartels that were going to
24 bring drugs into this country.

25 A. No, that's not it at all.

1 Q. Well, you do recall that while you were
2 doing that, you were carrying a .40 caliber Glock;
3 is that correct?

4 A. No, sir. I think -- I believe I said a
5 .38.

6 Q. Well, Mr. Burkhead asked you about that
7 also, page 688 again. Do you recall telling them
8 that while waiting in the car, an unknown vehicle
9 approached the vehicles. Both you and Montoya,
10 meaning Mario Montoya, became paranoid. And before
11 Lujan knew it, shots were exchanged. Lujan had a
12 .40 caliber Glock pistol and returned fire.

13 A. Oh, that was when we went -- did that one
14 pickup.

15 Q. Did you have a .40 caliber Glock pistol?

16 A. Yeah, on that one.

17 Q. Those are pretty -- what does a .40
18 caliber gun do?

19 A. I don't know, because I never shot one,
20 and I never really owned one. That was just that
21 night that I went with Mario and that girl to pick
22 up.

23 Q. Okay. So your testimony is you just
24 happened to have a .40 caliber Glock pistol that
25 day, but don't know anything about it, and don't

1 know what it does?

2 A. Exactly.

3 Q. You've told us about you being shot;
4 right?

5 A. Yes, sir.

6 Q. That was while you were doing a drug deal;
7 right?

8 A. No, sir.

9 Q. Well, again, when you're talking to
10 Mr. Burkhead, you said you were shot approximately
11 six times during separate gang and drug
12 altercations? You didn't say that to him?

13 A. No, sir.

14 Q. You didn't say that to Special Agent Lance
15 Roundy and U.S. Attorney Jack Burkhead?

16 A. No, sir. There is a police report that
17 will prove that none of that happened like that for
18 a drug deal.

19 Q. Do you want to see it? It's in the
20 report. Let's go ahead and look.

21 A. I got the police reports to back that up.

22 Q. Okay. This 2014 report was in your tablet
23 that you ended up destroying in January of 2017;
24 right?

25 A. Right.

1 Q. So you had time to look at this. Do you
2 see here that they put in here that "Lujan stated
3 that while on the streets several years ago, he was
4 shot approximately six times during separate gang
5 and drug altercations"?

6 A. See, that's --

7 Q. Does it say that?

8 A. It says that there, but that's a mistake.
9 I got police reports that will dispute that.

10 Q. All right. At the time that you did that
11 interview, they asked you -- I'm not sure why -- but
12 they asked you if you were under any kind of
13 medications. Do you recall?

14 A. At the time of my shooting?

15 Q. No, at the time of the interview.

16 A. I think so.

17 Q. And you tell them you're on Tegretol,
18 Haldol, Remeron, and then maybe some medication for
19 thyroids?

20 A. Yes, sir. I was on a lot more medication
21 then.

22 Q. We'll talk about medication in a little
23 while. I just want to finish up with the violence.

24 A. Okay.

25 Q. You also tried to kill another inmate by

1 the name of Joe Kenney. Do you recall?

2 A. Yes, sir, I remember that.

3 Q. And the only thing that stopped you was
4 that other inmates, like, yelled to the COs before
5 you could actually kill him?

6 A. Yes, sir.

7 Q. You had a 10-inch shank?

8 A. Yes, sir.

9 Q. That's about that long; right?

10 A. Yes, sir.

11 Q. They didn't make you admit to that as part
12 of your plea bargain, did they?

13 A. No.

14 Q. Nah. They didn't even have you admit it
15 here when they were questioning you, did they?

16 THE REPORTER: I'm sorry, did you say yes
17 or no?

18 MR. CASTLE: I think he just giggled.

19 A. I said yes. I kind of giggled, you know.

20 BY MR. CASTLE:

21 Q. Is there something humorous about wanting
22 to cut open another human being with a 10-inch
23 shank?

24 A. It's just some of the stuff you're coming
25 out with is, you know, not true.

1 Q. Well, is that true or not?

2 A. The Joe Kenney stuff, yeah. But that
3 stuff with me getting shot and stuff, that's, you
4 know --

5 Q. One of the things -- well, do you remember
6 when you -- that 2007 -- in 2007, you finally
7 admitted that you murdered Animal; right? And you
8 went to court and you entered a plea of guilty --
9 you went to court, at least; right?

10 A. Yes, sir.

11 Q. And you worked out a deal for 15 years; is
12 that right?

13 A. Yes, sir.

14 Q. And one of the things you did is, you and
15 your attorney made sure that you did a certain kind
16 of plea, where you wouldn't have to admit you
17 actually did anything. Do you recall that?

18 A. Yes, sir.

19 Q. You didn't have to admit that you actually
20 killed Animal and -- yes?

21 A. Yes, sir.

22 Q. And you didn't have to admit that you
23 killed or planned the murders of these two people in
24 2001; right?

25 A. Yes, sir.

1 Q. That's a special plea called an Alford
2 Plea; right?

3 A. Yes, sir.

4 Q. And the reason you all worked on that,
5 made sure the judge didn't know what you actually
6 did, is because you were afraid that if he knew that
7 you had killed or participated in killing three
8 human beings, that he wouldn't give you 15 years in
9 prison.

10 A. That's not what it was about.

11 Q. Okay. So why didn't you confess to the
12 judge and say, "Judge, you know what, I'm guilty"?

13 A. Because I followed what my attorney wanted
14 to do, and that's all.

15 Q. Well, the deal was for 15 years. That's
16 so you could get 50 percent of the time off; right?

17 A. Yes, sir.

18 Q. That means that, really, all you were
19 going to get was seven and a half years for killing
20 three -- or either killing or ordering the deaths of
21 three different people; right?

22 A. No, sir.

23 Q. Well, you didn't get prosecuted for the
24 2001 murders at all; right? And you got this
25 seven-and-a-half-year sentence on the Animal murder;

1 right?

2 A. Yes, sir.

3 Q. And that's all you were going to serve,
4 until the feds came calling in 2015; right?

5 A. Yes, sir.

6 Q. You were about to get out into the free
7 world?

8 A. Yes, sir.

9 Q. You had killed that seven-and-a-half-year
10 sentence, just about; right?

11 A. Yes, sir.

12 Q. And unfortunately for you, the federal
13 indictment came down?

14 A. Yes, sir.

15 MR. CASTLE: Your Honor, this would be a
16 good time to break. Others in the courtroom would
17 like me to break right now.

18 THE COURT: All right. We'll shut her
19 down for the evening. I appreciate everybody's hard
20 work, being back and ready to go this morning. If
21 you'll do that again in the morning and we'll try to
22 be ready for you and keep the case moving.

23 Thank you for all your hard work. We'll
24 be in recess until 8:30 in the morning.

25 (The jury left the courtroom.)

1 THE COURT: All right. Anything we need
2 to do before we take our leave?

3 MR. BECK: I think the only thing is the
4 receipts that they were asking for are Bates No.
5 71000 through 71016.

6 THE COURT: Does that help out?

7 MR. CASTLE: Here's what it is, so we can
8 be very clear: They've given Mr. Lujan \$1,950 over
9 the years. We only have one receipt for him that
10 says a \$200 payment. It really matters when it
11 happened, because it might be tied to times of
12 testimony or times that he was cooperating. And so
13 we've asked -- the pages they just gave us are for
14 other individuals; they're not for Mr. Lujan. We've
15 given them, by email, the one that we have on
16 Mr. Lujan. We don't have all the original payments.

17 There is another reason I'd like to bring
18 it up, and I don't want to do it in front of
19 Mr. Lujan.

20 THE COURT: Okay. Do you understand the
21 concern? Can you address it or not?

22 MR. BECK: We can see if we can track down
23 the receipts.

24 THE COURT: All right. And we'll take it
25 up in the morning. All right. Y'all have a good

1 evening, a good night.

2 (Court was in recess.)

3

4 April 24, 2018

5

6 THE COURT: All right. Let's go on the
7 record. It looks like we've got all the defendants
8 and the counsel for each defendant.

9 Mr. Benjamin is wanting to make some
10 objections this morning. Anything else I can do for
11 you, Ms. Armijo? Mr. Castellano?

12 MS. ARMIJO: No, Your Honor.

13 THE COURT: While we're waiting for Mr.
14 Benjamin --

15 MR. BECK: Your Honor, yesterday I asked
16 for the reports of Mr. Otero that we've been
17 referring to, and I just put together a package,
18 just gave one to Mr. Chavez's attorney, of the
19 reports, NMCD statements, and then the 302 for the
20 Court. So --

21 MR. SOLIS: Those are the items we
22 discussed yesterday or the day before?

23 MR. BECK: Yes.

24 THE COURT: All right. Anything else we
25 need to discuss?

1 I'll have Ms. Bevel make a copy of what
2 Mr. Beck gave me, and I'll attach it. I believe
3 it's going to be Clerk's Exhibit 9.

4 (Clerk's Exhibit 9 admitted.)

5 THE COURT: Did you want to say something,
6 Mr. Sindel?

7 MR. SINDEL: I do, Your Honor. The good
8 news is that Mr. Benjamin will not be here for the
9 first part of this morning; he has another
10 commitment. The bad news is that Mr. Benjamin will
11 not be here this morning because he has another
12 commitment.

13 THE COURT: All right. He had wanted to
14 say something this morning, is the reason I was
15 looking for him and calling on him. All right.

16 All rise.

17 (The jury entered the courtroom.)

18 THE COURT: All right. Everyone be
19 seated. Good morning, ladies and gentlemen. Thank
20 you for being back on time and ready to go. I
21 appreciate counsel, as well as the parties, all
22 being here, ready to go. I guess Ms. Bevel has told
23 you and told counsel and all the parties that we
24 figured out what we can do with coffee, and so the
25 great coffee mystery has been solved.

1 The bottom line is, you and counsel and
2 the parties can bring coffee in, and we'll try to
3 get you some cups, maybe bring some sodas in, in the
4 afternoon, if you don't want to do coffee, and some
5 candy and stuff. I guess they have a rule that
6 because of the decorum of the court, it's not --
7 they generally tell jurors not to bring them in.
8 But I talked to them and asked them to have
9 discretion, and they said "Yes." And given the
10 amount of time we're spending together, and maybe
11 some stretches are a little harder, sometimes, to
12 pay attention and things, I think we'll lift the
13 rule for this case.

14 So Ms. Bevel has told the jury and I think
15 she has told the counsel and the parties, as well.
16 So we'll try not to turn it into a picnic, but I
17 think we're keeping the decorum pretty well here.
18 So we've all got a lot of work to do together and
19 live together, so we're going to suspend that rule
20 for a while.

21 All right. Do we have Mr. Lujan moving in
22 this direction, Mr. Beck?

23 MR. BECK: We do, Your Honor.

24 THE COURT: All right. We'll wait just a
25 moment for him.

1 All right. Mr. Lujan, if you'll return to
2 the witness box. And I'll remind you that you're
3 still under oath.

4 THE WITNESS: Can I have some help over
5 here, please? Thank you.

6 THE COURT: All right. Mr. Castle, if you
7 wish to continue your cross-examination of
8 Mr. Lujan, you may do so at this time.

9 MR. CASTLE: Thank you, Your Honor.

10 THE COURT: Mr. Castle. INDEXX

11 LEONARD LUJAN,
12 after having been previously duly sworn under
13 oath, was questioned, and continued testified as
14 follows:

15 CONTINUED CROSS-EXAMINATION

16 BY MR. CASTLE:

17 Q. Mr. Lujan, I'm going to ask you a series
18 of questions that can normally be answered by most
19 people with "Yes" or "No," and I'm going to ask you
20 if you can try to do that so we can get through this
21 exam. Okay?

22 A. Okay.

23 Q. I want you to look at your screen. It
24 will be on everyone's screen. Here, I just want to
25 clear up some dates a little bit so that the jury

1 can keep track of everything. It was July 6th of
2 1998 -- go to the first slide -- that the murder of
3 Mr. Felix Martinez happened; is that right?

4 A. Yes, sir.

5 Q. And at that time, you refused to be
6 interviewed?

7 A. Excuse me?

8 Q. You refused to be interviewed by the -- by
9 the detectives at that time; is that correct?

10 A. Yes, sir.

11 Q. Okay. Then in March of 2001, Mr. Garza
12 and Mr. Castillo were murdered; is that right?

13 A. Yes, sir.

14 Q. And then on March 1st of 2007, Detective
15 Lewis tried to interview you, and I believe it's
16 your testimony that you refused to talk to him; is
17 that correct?

18 A. Yes, sir.

19 Q. And that's also the time that they swabbed
20 your mouth for DNA?

21 A. Yes, sir.

22 Q. And then on May 4, 2007, was when Mr.
23 Frederico Munoz entered his plea of guilty to the
24 murder of Felix Martinez; is that your memory?

25 A. I never knew anything about that.

1 Q. You never knew that he pled guilty?

2 A. No, sir. I didn't know anything about his
3 case.

4 Q. Okay. May 15th, I believe we said
5 yesterday, was when the detective attempted to
6 interview you and while you were walking away, you
7 said something about snitches in here; is that
8 right?

9 A. Yes, sir.

10 Q. Then if we could go to the next slide. It
11 was on June 20th of 2007 -- does that sound about
12 right? -- that Billy Garcia moved from the SNM pod
13 to protective custody, that you received a kite from
14 someone saying that Mr. Garcia PC'd, and that you
15 wanted to know what's going on before you make any
16 decisions; is that right?

17 A. No, sir.

18 Q. Is the date wrong?

19 A. No, sir. It's what's being said there.

20 Q. Okay. That was the quote that I showed
21 you yesterday and you agreed you said?

22 A. Um-hum.

23 Q. Okay. And then at some time -- it's kind
24 of an unknown date -- when you were at MDC, I
25 believe a Matt Candelaria and a Jason Ellis came and

1 talked to you; is that right?

2 A. Yes, sir.

3 Q. Also you couldn't give us a date, but
4 sometime when you were in MDC, someone attempted to
5 kill Billy Garcia with a hotshot; is that right?

6 A. I don't know nothing about that, sir.

7 Q. But you did tell the detectives about
8 that, right? I showed it to you yesterday.

9 A. No, sir.

10 Q. You didn't say that they made that up?

11 A. No, sir. I don't know nothing about that,
12 sir.

13 Q. Okay. So you do recall, I showed you in
14 the report, right?

15 A. I remember you showing me something about
16 it yesterday.

17 Q. Okay. Then there was a date, July 5,
18 2007, I think we showed you yesterday, there was a
19 time when Detective Lewis talked to you, and you
20 wanted to talk about three murders in exchange for
21 consideration by the District Attorney's Office. Do
22 you recall that?

23 A. Yes, sir. I recall that.

24 Q. Okay. And then it wasn't until August 8,
25 2007, that you went and made your formal taped

1 interview with Detective Lewis and others about the
2 1998 and 2001 murders? Does that sound right?

3 A. Yes, sir.

4 Q. Thank you. Before you went to the
5 Southern facility in 2000, you had served time at
6 the Central New Mexico Correctional Facility; is
7 that right?

8 A. Yes, sir.

9 Q. And when you were there, you served time
10 with Leroy Lucero?

11 A. Yes, sir.

12 Q. When did you get to Southern, do you
13 recall?

14 A. I believe early 2000, somewhere around
15 there.

16 Q. And when you arrived there, till you left
17 there -- I think you left in August of 2001; is that
18 right?

19 A. Yes, sir, I believe so.

20 Q. And that's when they shipped you out of
21 state, to Virginia?

22 A. Yes, sir.

23 Q. During that time, your testimony yesterday
24 was that Leroy Lucero never was at Southern?

25 A. Prior to me going out of state, I was in

1 the PNM North for like about three or four months.

2 Q. I'm talking about Southern, the Southern
3 facility, Southern New Mexico Correctional Facility.

4 Well, we'll move on.

5 I want to talk to you generally about the
6 SNM Gang. Okay?

7 A. Okay.

8 Q. You didn't ask to renounce your SNM
9 membership until 2017; is that right?

10 A. I had asked since about, I'd say, 2012,
11 2014, to go to Clayton. And to go to Clayton, you
12 had to renounce. And what happened over there, it
13 was in Los Lunas --

14 Q. Let me just cut you off for a second. So
15 you're saying you asked in 2012?

16 A. Yeah, somewhere around there; 2012, 2014,
17 I had.

18 Q. And they didn't let you renounce until
19 2017?

20 A. An incident took place, so they didn't let
21 me do it.

22 Q. They wouldn't let you?

23 A. No, because I had did something to
24 somebody.

25 Q. Sir, we have all your Department of

1 Corrections records. There is no indication that
2 you tried to renounce until 2017.

3 A. I believe it was Lieutenant Montoya or
4 something like that, that I asked. He was the one
5 that was running the STIU there in Los Lunas.

6 Q. Even though you had made statements
7 against other SNM members, including Mr. Garcia, in
8 2007, you're saying that in 2012 you tried to
9 renounce, and they wouldn't let you?

10 A. They were holding -- it was not APA
11 programming. They were having a program there, and
12 a situation took place where I --

13 Q. I'm asking you a question, okay? Even
14 though you had given statements against Billy Garcia
15 and other SNM members in 2007, is it your testimony
16 that they, the Department of Corrections, wouldn't
17 let you renounce your membership until 2017? Is
18 that "Yes" or "No"?

19 A. This was in 2012, 2014, when I tried. But
20 in 2017 is when I officially renounced.

21 Q. Okay. So until then, you were an SNM
22 member, correct?

23 A. I wasn't part of it. I didn't hang around
24 with nobody. I didn't even talk to hardly anybody.
25 I just completely just stayed away.

1 Q. Stayed away from all SNM members after
2 2007?

3 A. Yes, sir. I didn't have no association
4 with them at all.

5 Q. Do you recall telling the FBI that you
6 decided to stay in the SNM after 2007 -- and I quote
7 -- "if you were still a member, you could collect
8 intelligence for yourself and for the Government"?

9 Do you recall telling the FBI that?

10 A. I don't remember that.

11 Q. Mr. Lujan, in fact, you haven't actually
12 renounced certain parts of your membership in the
13 SNM, have you?

14 A. I haven't been part of it for years.

15 Q. I mean, for example, you still want to
16 kill people?

17 A. No. I haven't been part of that for
18 years.

19 Q. Well, let me ask you: Do you remember
20 that interview you had December 3, 2015, the day
21 that you got arrested on the charges in this case?

22 A. Yes, sir.

23 Q. Do you remember the interview that was
24 conducted with you by the FBI agents?

25 A. I remember some of it.

1 Q. Okay. Do you remember telling them that
2 you still had a vendetta against Freddie Munoz for
3 telling what you thought he told on you?

4 A. Yeah. I've always thought that.

5 Q. And you actually told the FBI there: If
6 you and him would come face-to-face, he's going to
7 have to answer to you, if you know what I mean.

8 Do you recall telling them that?

9 A. No, sir. But I've always -- I can sit
10 there and tell the truth and say that I thought that
11 me and him would fight.

12 Q. Okay.

13 A. We would fight.

14 Q. Okay.

15 A. Because of the animosity that's always
16 been there after all this stuff happened with
17 Animal.

18 Q. Okay. So the animosity is, you believe
19 Mr. Freddie Munoz snitched on you?

20 A. Yes.

21 Q. And so you want to essentially do a hit on
22 him?

23 A. No, sir.

24 Q. Or just beat him up?

25 A. I just always thought that if we came

1 face-to-face, we would fight.

2 Q. Okay. Is that the concept of renouncing
3 your membership, is to beat up another guy who you
4 think snitched on you?

5 A. No, sir. But I would protect myself if I
6 had to.

7 Q. "Yes" or "No" is fine.

8 I want to talk about the various people
9 that you have indicated participated in the murders
10 in 2001. Okay?

11 Did you or did you not, in one of your
12 interviews, indicate that you enlisted the help of
13 an individual by the name of Casey to commit the
14 2001 murders?

15 A. No, sir.

16 Q. Okay. Let me show you your January 23,
17 2009, interview. And all these interviews that
18 we're talking about, those are with the FBI or the
19 U.S. Attorney's Office?

20 A. The one you're mentioning, I believe.

21 Q. I'm not talking about the one I'm
22 mentioning. All the interviews you've participated
23 in have been with the FBI or the U.S. Attorney's
24 office? "Yes" or "No"?

25 A. Yes, sir.

1 Q. You've never consented with one to the
2 defense; is that correct?

3 A. I'm not sure.

4 MR. CASTLE: May I approach the witness?

5 THE COURT: You may.

6 Q. Right here where it's highlighted, do you
7 see where it says that -- where you're talking to
8 him, you say that you enlisted the help of other
9 members, including Casey and Sleepy Sandoval? Do
10 you see that?

11 A. Yes, sir.

12 Q. And then also in that interview, you said
13 you enlisted the help of Jeremiah Baca?

14 A. Yes, sir. And I believe Jeremiah is
15 deceased.

16 Q. So that's somebody who we can't even
17 confirm whether or not you enlisted him, right?

18 A. Yes, sir.

19 Q. You didn't mention those people's names
20 yesterday when the Government was asking questions?
21 You didn't mention their names, did you?

22 A. No, sir.

23 Q. That's fine. Then in 2014, do you recall
24 that was when you said that you hired some backup
25 people to kill the first people if they didn't carry

1 out your orders? Do you recall that?

2 A. Yes.

3 Q. I know the names you gave them was Sleepy,
4 Smurf, Gumby, and Oso. Do you recall that?

5 A. I never included Oso for anything.

6 Q. Okay. Let's take a look. Showing you a
7 report, it's on FBI letterhead. Do you see that?
8 It's an interview on February 27, 2014, with you.
9 Do you recall that? Do you see that?

10 A. I don't remember -- I never included Oso
11 on there.

12 Q. You see here, it says, "Additionally,
13 Lujan confessed to ordering other SNM Gang members
14 to take care of or kill the individuals who chose to
15 murder Garza and Castillo if they failed to carry
16 out the order." Do you see that?

17 A. Yes, sir.

18 Q. "Lujan met personally with individuals
19 known as named Sleepy, Smurf, Gumby, and Oso in the
20 pod and explained to them that the murders were to
21 take place, and they were to kill anyone who failed
22 to follow through with the order."

23 Do you see that?

24 A. Yes, sir.

25 Q. And you gave us a different -- I guess a

1 different list of people yesterday? Well, Sleepy.

2 Did you say Sleepy or Smurf, or both, yesterday?

3 A. I said Sleepy, Smurf, Gumby, Scotty. I
4 never mentioned Oso, because I never gave Oso that
5 order.

6 Q. Okay. You've also, on other occasions,
7 said that the people involved was Rick Sandoval. Do
8 you recall that?

9 A. Yes, sir.

10 Q. Now, in reference to Eugene Martinez, I
11 think you said you met up with him at some location
12 that you pointed out on a map, to give him the
13 orders; is that right?

14 A. Yes, sir.

15 Q. Now, you've given a couple of different
16 stories about where that meeting was, so I'm going
17 to talk to you about that. Where are you saying
18 today that you met him?

19 A. In education.

20 Q. Okay. So the school?

21 A. Yes, sir.

22 Q. Okay. Do you recall indicating previously
23 that it was -- I'm losing my place -- let's move on.

24 In 2001, when the murders took place, you
25 were a shot-caller, correct?

1 A. Not really. I was just -- as far as I
2 knew, I was just Billy Garcia's right-hand man. I
3 didn't know anything about being a heavy shot-caller
4 or anything like that.

5 Q. So you were his right-hand man the five
6 days that he was at Southern, during general
7 population at Southern?

8 A. For a while already.

9 Q. Okay. Well, you were asked this before by
10 the FBI on September 12, 2007, and do you recall the
11 following:

12 The question was, "Where was your standing
13 at that time in 2001 with the SNM?"

14 And your answer was, "I was the
15 shot-caller."

16 And they said, "Shot-caller?"

17 And you said, "Yeah."

18 A. Yeah.

19 MR. BECK: Objection, Your Honor.

20 A. I remember that interview.

21 THE COURT: Hold on. Go ahead, Mr. Beck.

22 MR. BECK: I don't believe he was
23 interviewed by the FBI in 2007.

24 MR. CASTLE: We have on page 336 -- I'm
25 sorry. Rich Lewis. I apologize. Thank you for

1 that correction.

2 BY MR. CASTLE:

3 Q. Do you recall telling Detective Lewis, in
4 your first interview that you consented to --

5 UNIDENTIFIED VOICE: Norman Rhoades.

6 MR. CASTLE: I'm sorry, Your Honor.
7 Norman Rhoades. Okay. Everybody is helping me here
8 today. It takes a village to get me through these
9 things.

10 BY MR. CASTLE:

11 Q. Do you recall in 2007 an interview with
12 Norman Rhoades, in which you said you were the
13 shot-caller at Southern at the time of the 2001
14 murders?

15 A. Yes, sir, I remember saying that.

16 Q. And the reason you had become a
17 shot-caller was because of your actions in murdering
18 Felix Martinez in 1998, correct?

19 A. Yes, sir.

20 Q. You were actually a shot-caller for the
21 SNM from 1998 all the way to 2005, right?

22 A. I think -- I believe so.

23 Q. In fact, when the FBI talked to you on the
24 day of your arrest, you told them that you were a
25 shot-caller with the SNM from 1998 to 2005?

1 A. Yes, sir. Excuse me. I'm seeing you a
2 little blurry because of my meds. They gave them
3 late last night and I'm seeing a little blurry, so I
4 hesitate a little bit.

5 Q. I was up late last night, too, and my eyes
6 are a little blurry, as well. What kind of
7 medications are you on, sir?

8 A. I'm taking Tegretol, Gabapentin, thyroid
9 medication, Prilosec. And I take Flomax for my
10 prostate. That's some more new medication.

11 Q. Tegretol can change the way you think and
12 the way you feel; correct?

13 A. I'm aware of what's going on; it's just
14 sometimes it will have me see blurry if I take it
15 too early, close to each other.

16 Q. Let's get back to the question. You were
17 the shot-caller for the SNM between 1998 and 2005,
18 correct?

19 A. Yes, sir.

20 Q. And you're not blurry on that concept?

21 A. No.

22 Q. And do you recall that after Lino left
23 Southern, you became one of the shot-callers there
24 at Southern?

25 A. Yeah, once Billy left.

1 Q. No, no. I'm asking you after Lino left,
2 Lino Giron?

3 A. No. I didn't even know when Lino left.

4 Q. Okay. Let's see what you said previously.
5 Do you recall telling Agent Rhoades, in September of
6 2007, that you became a shot-caller after Lino left?
7 Do you recall that?

8 A. I might have misspoken on that, but I
9 remember the interview on that.

10 Q. Well, let's talk about when Lino left.
11 That was -- do you recall that was on February 5,
12 2001, about a month and a half before the murders?

13 A. No, I don't remember when he left.

14 Q. Do you recall that -- do you know a person
15 by the name of Big Jake?

16 A. Yes, sir.

17 Q. Big Jake Armijo?

18 A. Yes, sir.

19 Q. He's an SNM member?

20 A. Yes, sir.

21 Q. And did you also know a person by the name
22 of Nick Chavez, who is also known as T-Bone, who was
23 an SNM member?

24 A. Yes, sir.

25 Q. And do you recall Big Jake coming down in

1 January, around January 18th of 2001, with the news
2 that both Pancho and Garza needed to be murdered?

3 A. No, sir, I don't remember that.

4 Q. Well, do you remember that for whatever
5 reasons, the Department of Corrections moved Lino
6 Giron, Jake Armijo, and Nick Chavez all out of
7 Southern New Mexico on February 5th, on the same
8 exact day? Do you recall that happening?

9 A. No, sir.

10 Q. Those guys were the shot-callers at
11 Southern, at least through part of 2001; correct?

12 A. I don't remember them even being there.

13 Q. Well, when you're an SNM --

14 A. I remember T-Bone being there, because we
15 were in the same pod at that time.

16 Q. When you're an SNM member, when you're at
17 a facility, you know who the other shot-callers are,
18 don't you?

19 A. Yes, sir.

20 Q. That's something you want to make sure,
21 because you don't want to get on the wrong side of a
22 shot-caller?

23 A. Yes.

24 Q. Like you? You wouldn't want to get on the
25 wrong side of you; correct?

1 A. Yes, sir.

2 Q. So you knew that Lino and Nick Chavez,
3 T-Bone and Big Jake, were all shot-callers there
4 before they left?

5 A. I'm having a hard time remembering Jake,
6 when he was there. But I remember when Lino and
7 T-Bone were there.

8 Q. So in any event, as far as the 2001
9 murder, your testimony is that Billy Garcia came and
10 had a conversation with you in your cell; is that
11 right?

12 A. Yes, sir.

13 Q. And you indicated that he was mad at you
14 because Earn Dog hadn't given you the news that you
15 were supposed to take over the whole facility?

16 A. Yes, sir.

17 Q. Earn Dog is an inmate by what name?

18 A. Ernesto. I don't know his last name.

19 Q. Ernesto Guerrero?

20 A. I'm not sure. If I saw his picture, I
21 could point him out right away.

22 Q. Well, do you recall telling investigators
23 that it was Ernesto Guerrero?

24 A. No, sir, I don't remember that.

25 Q. Okay. Let's go to, if I can -- okay, it's

1 a person by the name of Ernie or Ernesto; is that
2 right?

3 A. No. It's Ernesto, I think.

4 Q. And his nickname was Earn Dog?

5 A. Yes.

6 Q. Was he in your pod?

7 A. At one time, over there at the North.

8 Q. Okay. But he was there at the time of the
9 2001 murders?

10 A. Yes, sir, he was.

11 Q. Okay. So we'll be able to find his name
12 on the rosters?

13 A. Yes, sir. He was living, I believe --
14 because we were in blue pod. I believe he was in
15 red pod.

16 Q. Now, at different times -- well, let me
17 ask you: You've indicated that Mr. Garcia ordered
18 the murder of two people, is that right?

19 A. Yes, sir.

20 Q. But at different times, you've indicated
21 that he ordered the murders of as many as ten
22 people?

23 A. Well, when he --

24 Q. "Yes" or "No"?

25 A. When he first got there --

1 Q. "Yes" or "No," sir?

2 A. Yes, sir.

3 Q. Yes. In different conversations with the
4 FBI, you've said two; in other ones, you've said up
5 to ten; is that right?

6 A. Yes, sir.

7 Q. Where did you say earlier you had met with
8 Mr. Garcia on the yard?

9 A. We talked in my cell and in the yard.

10 Q. Okay. What yard?

11 A. Over there in Southern, at the Southern
12 New Mexico Correctional Facility, in the yard there.

13 Q. The baseball fields?

14 A. Yes, right there by the baseball field.

15 Q. Okay. At different times, you've said it
16 was near the basketball fields. Do you recall that?
17 The basketball courts, I mean.

18 A. No. One of the baseball fields is right
19 next to the basketball field, the basketball court.

20 Q. And that's where you said to the
21 detectives in 2007 that the Warden and an STG
22 officer said they had you guys on film, meeting?

23 A. Yes, sir, I might have said that. Because
24 at the time, they had the cameras.

25 Q. I don't need an explanation. That's what

1 you said, right?

2 A. Yes, sir.

3 Q. You have testified one time before this
4 trial, is that right?

5 A. No, sir.

6 Q. Well, you testified one time, on March 15,
7 2018, in a courtroom. Do you recall that? A little
8 over a month ago, a month and a half ago?

9 A. That was a mental health evaluation, from
10 my understanding, you know. That's what I thought
11 that was for, to get my mental health records and
12 stuff from Corrections.

13 Q. Well, let me ask you about this. Do you
14 recall being asked and telling people in this
15 courtroom that prior to being charged in this case,
16 that the Government gave your lawyer a letter or a
17 document that said that you would never be
18 prosecuted, ever? Do you recall that, telling us
19 that?

20 A. Yes, sir.

21 Q. And I think what you said was that you had
22 a lawyer by the name of Daniel -- no. Actually, no.
23 You said you had a lawyer by the name of Daniel
24 Tallon, that he gave you a letter from the
25 Government, meaning the people on my left, that said

1 that you would not be prosecuted anymore for the
2 2001 murders.

3 Do you recall telling us here in this
4 courtroom that?

5 A. Yes, sir.

6 Q. Now, you're aware that there is no such
7 letter because it wasn't ever given to you by the
8 Government or anyone?

9 A. We came to the North facility, and I
10 believe he had me sign a letter or something, and
11 told me something about it six months prior to all
12 this happening.

13 Q. So you're still sticking by the story?
14 What year would that have been?

15 A. So you're telling me that I didn't have an
16 attorney at that time?

17 Q. What year does this conversation happen?

18 A. This is -- okay, we got the RICO Act in
19 2015, so I think it was five or six months prior to
20 this happening.

21 Q. Okay. So the summer of 2015?

22 A. Somewhere around there.

23 Q. Okay. And so you're sticking to the story
24 that in the summer of 2015 there was a written
25 document by the Government that said, "We're not

1 prosecuting Leonard Lujan for the 2001 murders"?

2 "Yes" or "No"?

3 A. I might have mistaken a written document,
4 but he did come to the facility, the North facility,
5 and told me that they weren't going to prosecute me.
6 But he did say that they could later on. If they
7 wanted to, they could, but they weren't going to
8 prosecute me right now.

9 Q. Well, do you recall telling us and
10 testifying that your lawyer came out to the facility
11 and gave you a letter that said: They didn't want
12 to prosecute me no more?

13 Do you recall saying that to us?

14 A. Yes, sir.

15 Q. There is no such letter, is there? You
16 don't have that in your property? It doesn't exist,
17 does it?

18 A. No, sir, not, that I'm aware of. But I
19 know he came to the facility, and I think he had me
20 sign a letter or something.

21 Q. If he has a letter that promised you that
22 the Government wouldn't prosecute you, you would
23 have given it to your lawyer, your new lawyer, the
24 one you got in December, 2015, right?

25 A. I believe so.

1 Q. Yeah, because then you wouldn't be
2 prosecuted at all. You'd have a promise by the
3 Government that they wouldn't prosecute you, and
4 you'd be scot-free, you'd be out on the streets
5 right now, right? "Yes" or "No"?

6 A. I'm not an attorney.

7 Q. Okay. There is no letter, is there?

8 A. Well, they came and told me that I was
9 going -- Daniel Tallon came and told me that they
10 could come later and do it if they wanted to.

11 Q. There is no letter, is there?

12 A. I'm not sure if they gave me a --

13 Q. Just answer the question.

14 A. It appears --

15 Q. The question is: Is there a letter or
16 isn't there?

17 A. I guess there is not.

18 Q. You guess there is not? Or you know there
19 is not?

20 A. I guess there is not. That's what I'm
21 sticking to.

22 Q. Well, okay. So when you testified in
23 March of 2018, you were up right there in that same
24 chair, right?

25 A. Yes, sir.

1 Q. And the Judge had you raise your hand and
2 swear to tell the truth under oath?

3 A. Yes, sir.

4 Q. And that wasn't the truth, that you had a
5 letter from the Government promising you that you
6 wouldn't be prosecuted, correct?

7 A. At the time, I believed it was.

8 Q. Okay. So you believed something that
9 never happened, happened?

10 MR. BECK: Objection, Your Honor. Was
11 that a question? Counsel is testifying.

12 MR. CASTLE: It is. I'll withdraw it.

13 Q. One of your goals in taking this deal that
14 you took is to get to some better federal
15 facilities, something that's a little bit better for
16 you, correct? "Yes" or "No"?

17 A. I would like to go to a medical facility
18 because I've got a lot of medical issues.

19 Q. So you've in fact testified that you're
20 hoping to go to a Bureau of Prisons facility that
21 has better doctors than you think you have here in
22 New Mexico, right?

23 A. Yes, sir.

24 Q. Okay. And you've also indicated that
25 you're hoping for a lower sentence so you could go

1 out into the free world?

2 A. Yes, sir.

3 Q. In fact, when you were first interviewed
4 after the arrest, do you recall the FBI agents
5 saying to you the following, when they're talking to
6 you about how much time you might get, "Three months
7 before getting out with this stuff. Now would be a
8 good time to be looking at working deals that you
9 can make."

10 Do you recall them saying that?

11 A. I don't remember.

12 Q. Do you recall them telling you, "You're
13 definitely on the right side of this one. We're
14 going to do everything we can to make sure that
15 everybody in a position of authority knows how
16 valuable you can be?"

17 Do you recall that?

18 A. I don't remember. I don't remember that.

19 Q. Do you recall them saying, "You bet, sir.
20 I wish we could do more right now, but the system
21 takes time to work it out, so just hang in there.
22 Don't lose faith in us. We will make it work"?

23 Do you recall that?

24 A. No, sir.

25 Q. Okay. Do you recall them saying, "It's

1 going to be a little bit of pain at first"?

2 A. No, sir.

3 Q. Okay. Well, let's go look at the
4 documents, if we can.

5 The FBI, said, "You're being recharged."

6 You say, "Oh, I know."

7 And the FBI said, "Three months before
8 getting out with this stuff. Now would be a good
9 time to be looking at working deals that you can."

10 And then they say, "You're doing the right
11 thing."

12 And then they say again, "Yeah, you are
13 definitely on the right side on this one. We're
14 going to do everything we can to make sure that
15 everybody in a position of authority knows how
16 valuable you can be."

17 A. I don't remember that conversation, sir.

18 Q. Okay. You're not denying it exists,
19 though, right?

20 A. No, sir.

21 Q. Okay. So the other comments that I read
22 to you, you don't deny that that happened, right?

23 A. No, sir.

24 Q. I think yesterday you said that your plea
25 was in May of 2017. I think it was actually March

1 of 2017. Does that sound about right?

2 A. Yes, sir.

3 Q. And after you took that deal, do you
4 remember making a phone call to a person by the name
5 of Candy?

6 A. Yeah. That's a friend of the family's.

7 Q. Okay. And do you recall what you said to
8 her?

9 A. Not exactly.

10 Q. Okay.

11 A. I think I only called her once.

12 Q. Okay. Do you recall telling her, "I was
13 one of the last ones that was holding out.
14 Everybody had already pled out because they're all,
15 you know, they're big snakes, and they're still big
16 snakes"?

17 Do you recall telling her that?

18 A. I might have.

19 Q. Do you recall also saying, "Payback's a
20 bitch"?

21 A. I might have said that, too.

22 Q. "Yeah, they're fucking throwing me under
23 the bus. Gotcha. Hey, you know, so I said, 'All
24 right.'"

25 A. I might have said that.

1 Q. What you're saying there is, you're going
2 to do something because you're mad and you want to
3 pay someone back? "Yes" or "No"?

4 A. Yes, sir.

5 Q. And then you said to Candy, "I'm not going
6 to lie to you. I'm not going to lie to you. A lot
7 of them vatos turned and stabbed me in the back and
8 ratting me out and this and that, you know."

9 Do you recall saying that to her?

10 A. Yes, sir. I believe I said that, yeah.

11 Q. That wasn't the truth, was it?

12 A. Some of it was.

13 Q. Some of it wasn't?

14 A. Some of it wasn't.

15 Q. So when you say, "I'm not going to lie to
16 you" --

17 MR. CASTLE: Never mind. Strike that.

18 Q. Then what you tell Candy, if you can
19 recall, "They'll give me some love and show me some
20 love, and hopefully I'll just get 10 or 15, and
21 maybe I might be probation, you know."

22 Do you recall telling her that?

23 A. Yes, sir.

24 Q. I want to talk to you about a different
25 phone call you made. And you had indicated by 2012

1 you had renounced the ways of the SNM, you left all
2 that in your past, right?

3 A. Yes, sir.

4 Q. The idea of like killing people was done;
5 you were done with doing that?

6 A. Yes, sir.

7 Q. Well, do you recall a phone call you made
8 in September of 2014 to your niece, Christy?

9 A. I made a lot of calls to her.

10 Q. Well, do you remember saying to her in one
11 of the calls, "Hey, man, fucking just because
12 they're my brothers doesn't mean I won't stick one
13 of them fuckers, you know"?

14 A. I don't recall saying something like that.

15 Q. Okay. Well, let's look at the transcript,
16 okay?

17 A. Okay.

18 Q. I'm going to show you a transcript of a
19 phone call dated September 11, 2014, a phone call
20 with Christy and Leonard Lujan. You're allowed to
21 call from the jail and call people that you're on a
22 list, correct?

23 A. Yes, sir.

24 Q. And this is your niece? She's younger?

25 A. Yeah.

1 Q. And you're telling her, "Oh, hey, man,
2 fucking just because they're my brothers don't mean
3 I won't stick one of them fuckers" -- then you laugh
4 -- "you know"?

5 A. I don't remember that conversation. I
6 don't remember ever telling her something like that.

7 Q. Now, you actually talked about some of the
8 bad things you've done in prison or jail, in prison,
9 correct?

10 A. Yes, sir.

11 Q. Do you recall an incident just in the last
12 couple years where you mixed some extremely hot
13 water with some Vaseline? Do you recall that?

14 A. Yes, sir. That's one.

15 Q. You recall it, right?

16 A. Yes, sir.

17 Q. And the reason you did that, why you put
18 the Vaseline in the hot water, is so that if you
19 threw it on another human being on their skin, the
20 hot water -- the scalding hot water would stick to
21 their body and it wouldn't fall off, so it would
22 create maximum pain and maximum burning to their
23 flesh, correct? "Yes" or "No"?

24 A. Yes, sir.

25 Q. And what you did is, you tossed it on

1 another inmate and let them suffer, correct?

2 A. Yes, sir.

3 Q. And then you had to be taken out of your
4 cell in essentially a straightjacket because of what
5 you'd done to that other inmate?

6 A. No, sir.

7 Q. You know we have your records, correct?

8 A. Yes, sir.

9 Q. So these FBI officers would talk to you
10 about the 2001 murders. You gave them details of
11 how the murders occurred; is that right?

12 A. Not exactly details how they occurred.

13 Q. Well, you gave them --

14 A. I didn't even know that.

15 Q. Well, you have stated in an interview with
16 the FBI -- well, do you recall them coming back to
17 you and asking you how you knew the details?

18 A. No, sir.

19 Q. Okay. Do you remember them asking you,
20 and you telling them, that the way you knew the
21 specific details of the murders was through
22 conversations you had with people who participated,
23 and also eyewitnesses who saw what happened during
24 the two or three years after the murders? Do you
25 recall telling them that?

1 A. No, sir, because I didn't know nothing
2 about it.

3 Q. I'm going to talk with you about the
4 interview you had with a U.S. attorney by the name
5 of Jack Burkhead and the FBI on April 17th of 2014?

6 MR. CASTLE: And I'm going to refer you to
7 page 687, counsel.

8 Q. Do you recall telling them you'd learned
9 of the specific details of the murders through
10 conversations with participants and eyewitnesses
11 during the following two to three years after the
12 murders?

13 A. No, sir.

14 Q. You didn't say that to them?

15 A. No, sir.

16 Q. So that would be another instance of where
17 the FBI wrote down information about what you're
18 telling them that was false?

19 A. Yes, sir.

20 Q. After Mr. Garcia left Southern, you were
21 still the shot-caller there, right?

22 A. Yes, sir.

23 Q. And, in fact, your standing even was
24 higher at that point because you'd just carried off
25 two simultaneous murders at the facility, correct?

1 A. I believe so, yes, sir.

2 Q. Did you brag about it?

3 A. No, sir.

4 Q. You kept quiet?

5 A. No, pretty much they locked 16 of us up,
6 and that's when everybody decided that that's what
7 it was.

8 Q. But you were the only one that got moved
9 out of state, correct, to Virginia?

10 A. Not at that time.

11 Q. Well, Virginia was where they moved Lino
12 out to, correct?

13 A. I don't even know.

14 Q. You didn't see Lino when you were in
15 Virginia?

16 A. No, sir. I didn't go to Virginia till, I
17 think, three or four months later.

18 Q. After he went?

19 A. After those murders all happened.

20 Q. Well --

21 A. It might have been even later than that.

22 Q. Now, you indicated that Mario Montoya was
23 your sponsor to get into the SNM; is that right?

24 A. Yes, sir.

25 Q. And when you were in -- well, when you did

1 that interview in 2007 you told them, the police,
2 that Mario had confessed to you that he had
3 committed a murder; is that right? Do you recall
4 that?

5 A. I believe that's the one of Shane Dix.

6 Q. Yes. So in 2007 when you're at MDC, not
7 only are you talking to Styx about a murder that you
8 think he did, but you're apparently talking to Mario
9 Montoya about a murder that he did?

10 A. I never approached Styx about a murder.

11 Q. Is that true or not?

12 A. The one with Popeye.

13 Q. Let me ask you about Eugene Martinez. Is
14 he or was he a friend?

15 A. I met Eugene there in Southern.

16 Q. Was he and is he a friend?

17 A. We weren't close or anything.

18 Q. Well, do you recall telling the FBI that
19 he was a good guy and that he was a friend?

20 A. Yeah, I always knew that he was a good guy
21 and everything, you know. But we weren't real, real
22 close.

23 Q. Do you recall one of the interviews
24 with -- I think again it's Mr. Burkhead -- no. This
25 was with Mr. Castellano and, it looks like, FBI

1 agents. Do you recall telling them that you've had
2 conversations with Eugene Martinez after -- in fact,
3 after you were indicted in this case? Do you recall
4 that?

5 A. I believe we talked there in Otero County.

6 Q. Right. So yesterday I think you told us
7 you hadn't talked to Eugene since the murders, but
8 that wasn't true, was it?

9 A. I just talked to him in Otero County when
10 all of us got picked up.

11 Q. So you did talk to him?

12 A. I haven't seen none of these guys since
13 then.

14 Q. And then what you did is, you told Eugene
15 Martinez, "If you go to trial, tell them that I am
16 mental." Do you recall saying that to him?

17 A. Me and him had -- he asked me about --

18 Q. I'm asking you: Do you recall saying to
19 Mr. Martinez" --

20 A. Yeah, we talked about it. Yes, sir.

21 Q. -- "if you go to trial, tell them I am
22 mental"?

23 A. No, not me.

24 Q. Page 42600?

25 A. I never -- I never told him anything

1 mental.

2 THE COURT: Hold on just a second. Can
3 you repeat the page number?

4 Q. 42600. This is a report, January 5th,
5 members of the FBI and members of the United States
6 Attorney's Office. Do you see that?

7 A. Um-hum.

8 Q. And your lawyer was there, right?
9 Mr. Castellano was there?

10 A. Um-hum.

11 Q. That's when they gave you this letter that
12 said that anything you tell them, you'd be
13 immunized; they couldn't use those words that you
14 told against you, right? Do you remember that?

15 A. Um-hum.

16 Q. And you reviewed the letter, signed it, et
17 cetera?

18 A. Um-hum.

19 Q. And do you recall being asked about
20 Eugene, and you telling them when you were housed at
21 Otero, that you spoke with Eugene Martinez and told
22 him, "If you go to trial, tell them I am mental"?

23 A. On that part --

24 Q. Did you say that to them or not?

25 A. I never said me. It was him to use the

1 mental card. It was never towards me.

2 Q. And then you told them you were not
3 mental, but you would act as if you were at
4 different times to manipulate the system. Do you
5 recall telling them that?

6 A. I don't remember that conversation. But
7 it was --

8 Q. That's in quotes, "manipulate the system,"
9 end quote. Do you see that?

10 A. Yeah.

11 Q. Okay. Do you do that?

12 A. No.

13 Q. You don't know? No, you don't. Okay.

14 And then you told them, and I quote, and
15 it is in quotes, "I would do it to get help or deal
16 with my anger issues."

17 That's in regards to manipulating the
18 system. Do you see that?

19 A. Yes, sir.

20 Q. Were you suffering -- were you mental in
21 '98 when you murdered Mr. Martinez?

22 A. No. I knew what I was doing.

23 Q. Were you mental and suffering from anger
24 issues in 2001 when you planned the other two?

25 A. No.

1 Q. I want to show you your mental health
2 records from right around the time of the murders.
3 Okay?

4 MR. BECK: Which murders are those,
5 Mr. Castle?

6 MR. CASTLE: 2001 murders.

7 Q. This one is April 2, 2001. It's page
8 65148. Okay. That would have been what? Six or
9 seven days after the murders that you planned and
10 orchestrated, right? April 2, 2001?

11 A. I believe so.

12 Q. What they have to do when they lock
13 everybody down, they have to come in and do an
14 assessment to make sure that the people they lock
15 down aren't going crazy, right?

16 A. Yes, sir.

17 Q. And you, your mood and affect was upbeat
18 and jovial. Do you see that?

19 A. I don't even know what jovial means.

20 Q. Okay.

21 A. I know what upbeat means.

22 Q. Upbeat. So you were feeling good seven
23 days after you planned and orchestrated the death of
24 two human beings? "Yes" or "No"?

25 A. It's been a long time. So I probably was.

1 Q. Another one, July 2nd, page 66770. That
2 would have been what? Three or four months after?
3 I think this is a quote from you when they asked you
4 how you're doing: "I've been pretty mellow."

5 Does that sound about right?

6 A. Yes, sir.

7 Q. At times, sir, you have -- in order to get
8 the kind of medications that you wanted, you told
9 people at the Department of Corrections that you are
10 suffering from hallucinations?

11 A. No, sir.

12 Q. Well, let's go back and look. 65499.
13 Here's a document. Do you see it's dated, right
14 after MDC?

15 A. Um-hum.

16 Q. And you reported to a nurse that you were
17 having visual hallucinations. You told them that
18 you were -- you actually acted out in front of a
19 nurse, that you were talking into a sink of water
20 while you were flooding the medical unit there at
21 the Department of Corrections. Do you recall doing
22 that?

23 A. No, sir.

24 Q. You did that to get certain medications?
25 Do you recall that?

1 A. No, sir.

2 Q. Well, after some of these episodes, either
3 while you were cutting yourself or telling them that
4 you were having hallucinations, do you recall
5 getting medications such as Compazine?

6 A. I don't even know what that medication is.

7 Q. How about Vicodin?

8 A. I know what Vicodin is, but I don't
9 remember getting it, other than when I came back
10 from the hospital.

11 Q. How about Ativan?

12 A. I've been with the Ativan shots and the
13 Haldol shots when I get angry.

14 Q. How about Remeron?

15 A. Yes, I've been --

16 Q. Just "Yes" or "No"?

17 A. Yes.

18 Q. Phenergan?

19 A. Phenergan.

20 Q. Phenergan? Okay. Darvocet?

21 A. Darvocet, no. I don't remember ever being
22 on Darvocet.

23 Q. Vistaril?

24 A. Vistaril, yes, sir.

25 Q. Artane?

1 A. Yes, sir.

2 Q. All these medications, what they do is
3 actually can get you high, right?

4 A. They kind of put you to sleep.

5 Q. Okay. But you get them, and it's common
6 among inmates that they get these medications and
7 they kind of save them up and do them all at once so
8 they can get really high in the facility, right?

9 A. Yes, sir.

10 Q. And one of your, I think, manipulations is
11 to tell people you're crazy so you can get these
12 medications so you can get high?

13 A. No, sir.

14 Q. So what was it, when you were talking to
15 Mr. Castellano and the FBI agents, what were you
16 trying to tell them when you said you would fake
17 certain things to manipulate? What were you trying
18 to manipulate?

19 A. I don't remember that conversation. And
20 I've never stored up medications.

21 Q. Okay. Well, have you ever faked things so
22 you could manipulate?

23 A. No, sir.

24 Q. So that would just be something that they
25 made up?

1 A. Probably, yeah. Yes, sir.

2 Q. Okay. Haldol is another medication?

3 A. Yes, sir.

4 Q. And that's used for mood disorders such as
5 schizophrenia or schizoaffective disorder or bipolar
6 disorder, right?

7 A. The majority of time that they've given me
8 the Haldol has been when I've had episodes of anger
9 and they've to put me in the rubber room.

10 Q. The rubber room?

11 A. Yes, sir.

12 Q. And I think the prosecutor asked you about
13 schizophrenia. Do you recall him asking you about
14 that?

15 A. I think so. I'm not too sure.

16 Q. That's because you've claimed to the
17 Department of Corrections, on different times, that
18 you've been diagnosed with schizophrenia?

19 A. No, sir.

20 Q. You've never been diagnosed with
21 schizophrenia?

22 A. No, sir.

23 Q. Just antisocial personality disorder and
24 malingering?

25 A. If that's what they've diagnosed me with.

1 You know, I've only seen the one that I have there
2 in my property.

3 Q. Well, let's talk about antisocial
4 personality disorder for a minute. I think I showed
5 you -- what? -- about a half dozen or more documents
6 saying that you were diagnosed with antisocial
7 personality disorder? Do you recall seeing those
8 yesterday?

9 A. I think you showed me two, yesterday.

10 Q. Okay. Mr. Lujan, I'm going to show you
11 one, two, three, four, five, six, seven, eight,
12 nine. Take some time looking at those, and when
13 you're done, let me know.

14 MR. BECK: Objection, Your Honor;
15 foundation. I don't know that this witness has seen
16 those before.

17 MR. CASTLE: I'll ask him afterwards.

18 A. The only one that I can say for honest, be
19 honest with and say, is the one with the hep C. I
20 did the hep C treatment.

21 Q. Okay.

22 A. And that's why I walk with a cane and
23 stuff.

24 Q. Sir, why don't you take a look at all of
25 them. I don't think it's possible you could have

1 looked at all of them in those few seconds. Let's
2 take a look at all of them.

3 THE COURT: As to your objection,
4 Mr. Beck, I will allow him to look at them, and then
5 we'll listen to the question that Mr. Castle has.
6 So I'll overrule the objection at this time.

7 BY MR. CASTLE:

8 Q. Maybe I can make it quicker. We've
9 highlighted the portions we want to look at.
10 They're not in yellow; they're in dark gray. Do you
11 see that?

12 A. I've always -- if I can answer, I've
13 always had problems with this, and --

14 Q. Well, there's no question yet. Okay? So
15 now that you've had an opportunity to look at all
16 those documents, do those documents contain
17 diagnoses of mental health professionals after
18 they've sat down with you and interviewed you and
19 determined what your needs are? Are they all --

20 A. Yes, sir.

21 Q. And the diagnoses that's uniform in all
22 these different evaluations are antisocial
23 personality disorder and --

24 MR. BECK: Objection, Your Honor.

25 THE COURT: Hold on.

1 MR. BECK: Hearsay.

2 THE COURT: Hold on, Mr. Lujan.

3 MR. CASTLE: It's admissible under 803 sub
4 (4), and it describes his medical history under sub
5 (4) (B).

6 THE COURT: Why don't y'all approach.

7 (The following proceedings were held at
8 the bench.)

9 MR. BECK: I don't think a foundation has
10 been laid, and I don't think you can lay it with
11 this witness.

12 THE COURT: What is the foundation you're
13 looking for?

14 MR. BECK: I think he would need to
15 testify that they were made by someone that Mr.
16 Lujan reported this information.

17 THE COURT: What are these documents? Are
18 these --

19 MR. CASTLE: They're clinical assessments
20 and diagnoses from mental health professionals at
21 the Department of Corrections.

22 THE COURT: Well, if he lays a foundation
23 that Mr. Lujan talked to professionals at the
24 Corrections Department and that he was evaluated for
25 these things, I think he's come very close to doing

1 that in his testimony over the last two days.

2 What more do you need from him?

3 MR. BECK: I don't think Mr. Lujan is a
4 proper person to authenticate documents made by the
5 medical facility. The medical doctor may or the
6 custodian of records may.

7 THE COURT: Are you going to try to move
8 the admission of these documents?

9 MR. CASTLE: No.

10 THE COURT: You're just trying to get his
11 statement? Well, I think you'll probably have to
12 lay some foundation a little clearer, that he sat
13 down with Corrections Department people, and he was
14 diagnosed, and he knows that to be the case, sort of
15 tracking the language of 803(4).

16 MR. CASTLE: Okay.

17 THE COURT: I'm not sure, though, he can
18 just sit there and read out of the document. So
19 what are you trying to get him to do?

20 MR. BECK: 803(4) relates to the statement
21 made for medical diagnoses, not the diagnoses that
22 someone else told him. That would be hearsay. The
23 diagnoses that's told to him is hearsay. The
24 statement that he makes for purposes of medical
25 diagnoses could come in under the hearsay exception

1 if records that contain those statements were
2 properly authenticated by the custodian of records
3 or someone with knowledge. Mr. Lujan is neither of
4 those. The diagnoses that were made to him would
5 not come in under 803(4).

6 MR. CASTLE: I don't think the Government,
7 in their direct, brought up what his mental health
8 diagnoses were. They asked him about schizophrenia
9 and other things, so they opened the door. But I
10 think also it is his understanding of what his
11 disorders are.

12 MR. BECK: I think he can ask that.

13 MR. CASTLE: I could just go to that and
14 ask him.

15 THE COURT: All right. Let's try that.

16 (The following proceedings were held in
17 open court.)

18 THE COURT: All right. Mr. Castle.

19 BY MR. CASTLE:

20 Q. Before we get to these documents, are you
21 aware that antisocial personality disorder is a
22 mental condition in which a person consistently
23 shows no regard for right and wrong and ignores the
24 rights and feelings of others?

25 A. Yeah, I know what it means.

1 Q. And that fits you, right? Like a glove?

2 A. No, because I've done some goods, too. It
3 hasn't always been bad.

4 Q. Okay. Do you agree that people with
5 antisocial personality disorder tend to antagonize
6 and manipulate or treat others harshly or with
7 callous indifference; they show no guilt or remorse
8 for their behavior?

9 THE COURT: Mr. Beck?

10 MR. BECK: Objection to foundation.

11 MR. CASTLE: I'm asking -- sorry.

12 MR. BECK: Objection to foundation. He's
13 not qualified to give that opinion.

14 THE COURT: Well, if he knows from his
15 being evaluated. Overruled.

16 BY MR. CASTLE:

17 Q. Okay.

18 A. No. Because I have remorse. I have
19 remorse.

20 Q. Okay. Well, have you been told, after all
21 the different evaluations, what they think is wrong
22 with you, if anything?

23 A. Sometimes they sit there and say that --

24 Q. Well, I'm asking if they do tell you.

25 A. -- moderate bipolar, all kinds of

1 different stuff. But they've never sat there and
2 said one specific thing, you know, other than just
3 the PTSD.

4 Q. The purpose of the evaluations, right, is
5 so they can do a psychiatric evaluation and then
6 give you recommendations on things that you need to
7 work on, correct?

8 A. Yes, sir.

9 Q. So the way these evaluations work is, they
10 get your history; they talk to you; they look at
11 your records?

12 A. Yes, sir.

13 Q. They have a medical file or psychiatric
14 file, and then they have a diagnosis, and they tell
15 you what the diagnosis is so you can then address
16 your problems, right?

17 A. Yes, sir.

18 Q. And what they told you on numerous --

19 MR. BECK: Objection, Your Honor; hearsay.

20 Q. Well, after they told you, you knew that
21 you were suffering from the conditions of antisocial
22 personality disorder and malingering, correct?

23 MR. BECK: Objection, Your Honor; hearsay.

24 THE COURT: I think you can ask the
25 question as to what he understands his diagnoses to

1 be or what he understands he's suffering from,
2 without asking what the doctors told him.

3 BY MR. CASTLE:

4 Q. You now understand, and have through the
5 years, that you suffer from those two conditions I
6 just stated? "Yes" or "No"?

7 A. Yes, sir.

8 Q. You talked yesterday about cutting
9 yourself a bit, right?

10 A. Yes, sir.

11 Q. And would I be correct that you do that to
12 manipulate the system, to try to get something else
13 that you want?

14 A. No, sir. It's because there is a lot of
15 times where I've been sick, and I've had to cut.
16 And me, I don't consider it manipulation if I'm
17 trying to get something where I need medical help.

18 Q. Okay. So some other kind of medical need,
19 you think you need to get it addressed, so you end
20 up cutting yourself so that they'll come to your
21 cell, right?

22 A. So they'll take me to Medical and address
23 the medical issue that's going on. Because there
24 has been times where I've had bowel obstructions.
25 There has been a lot of stuff that's gone wrong with

1 me.

2 Q. But instead, what they end up doing is
3 putting you in the rubber room?

4 A. No, there has been times where they've had
5 to send me out to the hospital.

6 Q. Well, let's talk about the rubber room.
7 The rubber room is a room where all the walls are
8 padded so that you can't slam yourself into the wall
9 and harm yourself, right?

10 A. Yes, sir.

11 Q. One time, in order to try to get your
12 medical help, do you recall, in 2008, taking a
13 shampoo bottle and doing something to it, and then
14 cutting a foot-long section open on your arm,
15 letting the blood come out, and then smearing the
16 blood all over your body -- all over your arms, I
17 mean? Do you recall that happening?

18 A. No, sir. I never did something like that.

19 Q. 67369. I show you two documents. Do you
20 recall that you were frustrated about your TV, which
21 you had damaged yourself, twice?

22 Because it wasn't yet repaired, he used a
23 shampoo bottle cap to scrape both your arms to the
24 point of dripping blood. This is on November 12,
25 2008. And then you smeared the blood all over your

1 arms.

2 Do you recall that incident?

3 A. I don't recall the shampoo cap. You know,
4 there has been a few times where I've --

5 Q. Done that?

6 A. Been around with blood all over me.

7 Q. That was November 12, 2008, right?

8 A. In 2008, I remember only just cutting my
9 legs to get to the hospital.

10 Q. Okay. But on this occasion you weren't
11 doing it for some kind of bowel obstruction; it was
12 because you were demanding that the Department of
13 Corrections repair the TV that you had broken on two
14 occasions, and you were demanding it. When they
15 wouldn't do it for you, you decide to do this thing
16 and cut yourself up and smear blood; is that right?

17 A. I don't recall that. I don't recall that
18 incident, sir.

19 Q. If such an incident occurred, would you
20 consider that manipulation?

21 A. Yeah. Yes, sir.

22 Q. Do you recall another incident where you
23 took a TV, smashed it, used the glass. And the
24 reason you -- when you took that glass, again, you
25 cut your body open? And the reason you did that was

1 because you were mad because you felt one of the
2 corrections officers had disrespected you?

3 A. I believe I've done that before.

4 Q. On that incident, they took you to the
5 infirmary to sew you up, right?

6 A. I think they took me to the hospital.

7 Q. Well, do you recall that you were taken to
8 the infirmary, and then you tried to attack one of
9 the people that were trying to help you?

10 A. I believe that was the lieutenant at the
11 North facility.

12 Q. Well, it was a unit manager at the
13 treatment team. You tried to injure or attack that
14 person. And then they put you back in your cell,
15 and you started banging your head against the cell
16 door window. Do you recall that?

17 A. No. I don't think I ever attacked the
18 unit manager in all the years I've been in mental
19 health.

20 Q. I'm going to show you three documents,
21 67331, 67402, and 67306. December 15, 2008. All
22 these documents refer to an incident on that date.

23 You were upset. It says you felt
24 disrespected. You went back to your room. Okay?
25 Then you started to make yourself vomit. You broke

1 your TV. You used the glass to cut yourself with.
2 While you were in the infirmary to be sutured, you
3 took offense to something someone said, and had to
4 be taken down by the officials. You then got placed
5 in the rubber room. You tried to injure the unit
6 manager and treatment team. And then you were
7 banging your head hard on the cell door window
8 afterwards.

9 Do you recall that happening?

10 A. I don't recall ever attacking a unit
11 manager. I remember a Captain, and --

12 Q. Do you think maybe that when you banged
13 your head against the window, it might have made it
14 so you couldn't remember the incident anymore?

15 A. When you bang your head, you're going to
16 knock yourself out or something. That's a pretty
17 rough injury there.

18 Q. Yeah. I imagine the unit manager doesn't
19 forget it, though, huh?

20 A. No.

21 Q. You've also been -- you're aware that you
22 have an anger issue, right?

23 A. Yes, sir.

24 Q. Do you act violently when you're stressed
25 out?

1 A. No, not when I'm stressed out; mostly when
2 somebody has done me wrong. When somebody has done
3 me wrong.

4 Q. Okay.

5 A. Or like went into my cell and maybe tore
6 some family pictures or something, I'm going to
7 confront them on it.

8 Q. Well, you've talked to treatment people
9 about this over the years, right?

10 A. Yes, sir.

11 Q. Do you recall that you have told them that
12 you react violently when you feel disrespected?

13 A. Yes, sir.

14 Q. And that you act violently when you feel
15 stressed out?

16 A. Not so much stressed out.

17 Q. Well, let's see what you told them.

18 A. It's always mostly if somebody does me
19 wrong.

20 Q. 65020. Do you recall telling the clinical
21 person that you act violently when you're stressed
22 out and provoked?

23 A. I don't remember ever saying that. I
24 remember a lot of times if somebody does me wrong or
25 something, I'm going to stand up for myself. You

1 know, I'm not going to just let somebody mistreat
2 me.

3 Q. But this clinical person, you told them
4 that at one point in your life, in 1996, you were
5 pronounced dead. And you also indicate you have
6 flashbacks; that you used to hit walls; and that at
7 one time you used to cut to relieve your emotions.

8 Is that what you told them?

9 A. I believe in 1996.

10 Q. Well, did you tell them that, is what I'm
11 asking?

12 A. I probably did, sir.

13 Q. Okay.

14 A. But that was during the time that I got
15 shot and stuff.

16 Q. I understand. I understand you want to
17 say things. If the Government wants you to explain,
18 they can.

19 A. Okay.

20 Q. You've at times flooded your cell so that
21 you'd get attention, right?

22 A. I flooded before.

23 Q. You've fake suicide in times past?

24 A. I've tightened nooses around -- I've put
25 pads around my neck before. I've put the sheet

1 around my neck before, out of anger.

2 Q. Kind of like you did with Animal?

3 A. No, sir.

4 Q. Okay. Let me talk to you about another --
5 well, do you portray yourself to these mental health
6 officials as a victim of circumstances rather than
7 actually being a perpetrator of criminal conduct?

8 A. I don't understand the question, sir.

9 Q. Well, do you tell these professionals from
10 time to time that the crimes you committed, you were
11 just a victim of circumstances?

12 A. No, sir.

13 Q. Do you tell them that you deny actually
14 any guilt for it?

15 A. No, sir. I've always been responsible for
16 whatever I do.

17 Q. I'll show you 65258. Did you or did you
18 not present yourself as the victim of circumstances,
19 rather than the offender; that you rationalized your
20 offenses, denied any guilt for them, with an excuse
21 ready for each crime committed? Did you or did you
22 not describe that to this --

23 A. No, sir.

24 Q. Okay. We've talked about this time when
25 you were here and testified on March 15, 2018 and,

1 took the oath, correct?

2 A. Yes, sir.

3 Q. At that time, you were asked about whether
4 you'd received any money from the Government,
5 correct?

6 A. Yes, sir.

7 Q. And at that time, you said the only money
8 that you ever requested or ever received was the
9 \$500 for that -- that you spent on TV and clothes,
10 correct?

11 A. Yes, sir.

12 Q. But since that time, you're aware that the
13 defense has asked for the full set of payments, and
14 we now know that you received \$1950 in payments,
15 right?

16 A. Yes, sir. I wasn't in the program yet.

17 Q. Okay. And you'd received not just the 500
18 that you testified under oath about, but you've been
19 receiving payment after payment on an almost monthly
20 basis from the FBI since the time that you agreed to
21 be a witness in the case?

22 A. No, sir. It's every three months.

23 Q. Okay, every three months. But you didn't
24 tell us about that when you were under oath the last
25 time? You only told us after the defense requested

1 the record, right?

2 A. I believe so.

3 Q. The last area I want to talk to you about.
4 You've already said to us that the last time you
5 talked to Billy Garcia was in 2007 at MDC, correct?

6 A. Yes, sir.

7 Q. But that wasn't the last time you talked
8 to Billy Garcia. Do you recall being arrested in
9 2015?

10 A. 2013?

11 Q. December 3rd of 2015. We've talked about
12 that, on this indictment?

13 A. Just when -- yeah, this indictment here.

14 Q. And you were housed at Otero County prison
15 facility. Do you recall that?

16 A. Yes, sir.

17 Q. And you saw Mr. Garcia there, right?

18 A. Yes, sir.

19 Q. And as you walked by Mr. Garcia, you said
20 to him, "Payback's a bitch, Viejo"?

21 A. No, sir. We got in an argument.

22 Q. Okay. Let me show you. You know there
23 are guards --

24 A. I said that to him because that was in an
25 argument, because we were both arguing.

1 Q. Stop. Okay?

2 A. All right.

3 Q. You're aware that there are guards,
4 corrections officers, at the prisons; correct?

5 A. Yes, sir.

6 Q. And they can overhear, sometimes, what the
7 inmates say to each other, correct?

8 A. Yes, sir.

9 Q. It's 70505. Do you recall being
10 interviewed just -- April 8th, so that would have
11 been -- what? -- two weeks ago or something like
12 that? Do you recall that?

13 A. Yes, sir.

14 Q. And this time, was it a pretrial interview
15 conducted with -- let me see who it was with. It
16 was with Mr. Beck here and an FBI agent by the name
17 of Nancy Stemo; is that right?

18 A. Yes, sir.

19 Q. They asked you about this, seeing
20 Mr. Garcia at Otero County prison facility, didn't
21 they?

22 A. Yes, sir.

23 Q. And you then told Billy Garcia, and it's
24 in quotes here, "Payback's a bitch, Viejo"?

25 A. Yes, sir.

1 Q. And that means payback's a bitch, old man?

2 A. Yes, sir.

3 MR. CASTLE: I have no other questions.

4 THE COURT: Thank you, Mr. Castle.

5 Any other cross-examination? Mr. Solis?

6 CROSS-EXAMINATION

7 BY MR. SOLIS:

8 Q. Good morning, sir.

9 A. Good morning.

10 Q. I'll be brief, Mr. Lujan. I just want to
11 follow up on a few of the questions that were posed
12 to you early in your testimony yesterday and here
13 towards the end by Mr. Castle. And I think Mr. Beck
14 addressed some of them, as well, when he started his
15 examination. And it has to do with your mental
16 health evaluations and the diagnoses. Okay?

17 A. Okay.

18 Q. All right. Of course, initially you only
19 admitted to the intermittent explosive disorder. I
20 think you, in response to Mr. Castle's questioning,
21 you said that was a diagnosis. Do you remember
22 that?

23 A. Yes, sir.

24 Q. But then you didn't admit to the
25 antisocial personality disorder until he obviously

1 demonstrated that was a disorder. Do you remember
2 that?

3 A. Yes, sir.

4 Q. And I noticed you were very up on your
5 mental -- rather, your physical medical history. In
6 fact, you described to the jury, with some detail,
7 the various stomach ailments and the numbers of
8 surgeries and how the ailment you have has got a
9 proclivity to result in cancer, I think you said.
10 Do you remember that, sir?

11 A. Yes, sir.

12 Q. So you're up on your history?

13 A. Yes, sir.

14 Q. As it pertains to your medical and mental
15 health, right?

16 THE COURT: Mr. Solis, can we take this up
17 after our morning break?

18 MR. SOLIS: Sure, Your Honor.

19 THE COURT: All right. We'll be in recess
20 for about 15 minutes.

21 All rise.

22 (The jury left the courtroom.)

23 THE COURT: All right. We'll be in recess
24 for about 15 minutes.

25 (The Court stood in recess.)

1 THE COURT: All right. I think we've got
2 all the defendants back in, a lawyer for each
3 defendant. Do you want to line them up?

4 All right. Anything we need to discuss
5 before we bring the jurors in? Mr. Castellano?
6 Mr. Beck?

7 MS. CASTELLANO: No, Your Honor.

8 THE COURT: How about from the defendants,
9 anything we need to discuss?

10 (The jury entered the courtroom.)

11 THE COURT: All right. Mr. Lujan, I'll
12 remind you that you're still under oath. Mr. Solis,
13 if you wish to continue your cross-examination of
14 Mr. Lujan, you may do so at this time.

15 MR. SOLIS: Thank you, Your Honor.

16 BY MR. SOLIS:

17 Q. Mr. Lujan, I think we ended where, of
18 course, you were up on your medical history,
19 physical and mental?

20 A. Yes, sir.

21 Q. And we all are. You get an MRI, you know
22 what the results are. You inquire. You get a
23 stomach test, or whatever it is they're testing,
24 blood testing usually first, then you're up on that.
25 They do a mental health evaluation, you're up on

1 that, too, right?

2 A. Yes, sir.

3 Q. So you knew what the antisocial
4 personality diagnosis was?

5 A. No, sir. Because I got a paper in my
6 property, and it just has about the mood disorder,
7 anger management, and the PTSD.

8 Q. So right now, you persist that you didn't
9 know?

10 A. Yes, sir.

11 Q. Until Mr. Castle pointed it out to you?

12 A. Yes, sir.

13 Q. That's still your testimony?

14 A. Yes, sir.

15 Q. So was it you were denying it because you
16 knew that -- I think Mr. Castle went over some of
17 the criteria that -- well, strike that.

18 You knew that antisocial personality has
19 personality traits that characterize it? You knew
20 that, didn't you?

21 A. I didn't even know what antisocial
22 personality was.

23 Q. And you knew, and Mr. Castle reviewed with
24 you, that callousness is one?

25 MR. BECK: Objection, Your Honor;

1 foundation; asked and answered. He says he doesn't
2 know.

3 MR. SOLIS: He can say whether he knows or
4 doesn't know.

5 THE COURT: I think he can, too.
6 Overruled.

7 BY MR. SOLIS:

8 Q. Did you know about callousness?

9 A. I don't even know what callousness means.

10 Q. It means hard. I think Mr. Castle
11 reviewed with you that it means lack of concern --

12 MR. BECK: He's testifying.

13 MR. SOLIS: All right.

14 THE COURT: Don't testify.

15 BY MR. SOLIS:

16 Q. Did you know it was the lack of feeling or
17 concern for others? Did you know that?

18 A. No, sir.

19 Q. Okay. Did you know another personality
20 trait was manipulativeness?

21 A. I know what manipulative is.

22 Q. Did you know it was defined as the
23 frequent use of subterfuge to influence or control
24 others?

25 MR. BECK: Objection, Your Honor. This is

1 just testifying. Asked and answered.

2 THE COURT: Well, he can ask the question.

3 Overruled.

4 BY MR. SOLIS:

5 Q. Did you know that?

6 A. Yes, sir.

7 Q. So you knew what that meant?

8 A. Yes.

9 Q. And you knew that it also included the use
10 of seduction or charm, glibness, ingratiation, to
11 achieve one's end? You knew it included that?

12 A. I didn't know the whole meaning like that.

13 Q. And did you know another character trait
14 of that antisocial personality disorder was
15 deceitfulness? Did you know that?

16 A. No, sir.

17 Q. Did you know that it was defined, or is
18 defined, as dishonesty and fraudulence? Did you
19 know that?

20 A. No, sir.

21 Q. Did you know it was also defined as
22 misrepresentation of self, embellishment, or
23 outright fabrication when relating events? Did you
24 know that's the definition of deceitfulness?

25 A. No.

1 Q. Did you know deceitfulness is a character
2 personality trait of antisocial personality?

3 A. No, sir.

4 Q. All right. Now, I'm going to end, and I
5 want us all to take a breath here. Just take a
6 pause here, a mental pause. We want to really
7 absorb, because I think this encapsulates what we're
8 trying to accomplish.

9 A. All right.

10 Q. Under oath, you said there yesterday that
11 Mark Lugo is a liar?

12 A. Yes, sir.

13 Q. So Mark Lugo is a grown man, right?

14 A. Yes, sir.

15 Q. And Mark Lugo went to probably two or
16 three other grown men -- maybe once, maybe twice,
17 probably more times -- and he explained to them, a
18 grown man to two other or three other grown men,
19 that you stuck your penis in his anus, and he's
20 lying?

21 A. Yes, sir.

22 THE COURT: Well, I think the jury is
23 going to have to make those determinations. He can
24 say that his version is inconsistent or those
25 things, but I think it's the jury that should make

1 that.

2 MR. SOLIS: Thank you, Your Honor.

3 THE COURT: So strike that question and
4 that answer.

5 MR. SOLIS: No further questions.

6 THE COURT: All right. Thank you, Mr.
7 Solis.

8 All right. Further cross-examination?

9 MR. SINDEL: Yes, Your Honor.

10 THE COURT: Mr. Sindel.

11 CROSS-EXAMINATION

12 BY MR. SINDEL:

13 Q. Good morning, Mr. Lujan.

14 A. Good morning.

15 Q. My name is Richard Sindel. I represent
16 Mr. Gallegos. And I'm going to ask you a series of
17 questions.

18 A. Okay.

19 Q. I would appreciate it if you would confine
20 yourself to answering those questions. You can do
21 that, can't you?

22 A. Yes, sir.

23 Q. Now, when Mr. Castle was questioning you,
24 there were a number of times when you either denied
25 what was in an FBI 302 or FBI report, right?

1 A. Yes, sir.

2 Q. You know what an FBI 302 is, right?

3 A. Not really.

4 Q. Not really? Let's just try this. Did you
5 have a tablet at one point in time?

6 A. Yes, sir.

7 Q. Did that tablet have certain reports that
8 were prepared by the FBI?

9 A. I read some of them, but I --

10 Q. I didn't ask you what you read. I asked
11 you if they contained reports that were prepared by
12 the FBI?

13 A. I guess it was from the FBI.

14 Q. Well, when it says, you know, "We
15 interviewed him," and this is an FBI form 302, and
16 the FBI interviewed him, is that such a leap, to
17 make a determination that that is an FBI report?

18 A. I believe so.

19 Q. Okay. So you read them, right?

20 A. Yes, sir.

21 Q. They were available to you?

22 A. Yes, sir.

23 Q. And when was it that you first told
24 Mr. Beck or Mr. Castellano or Ms. Armijo or anyone
25 else, "Hey, all these reports are wrong"?

1 A. I don't even remember exactly.

2 Q. Ever doing it, did you?

3 A. No, sir.

4 Q. You never did it, did you?

5 A. No, sir.

6 Q. And even when there were situations in
7 which Mr. Castle showed you quotations within
8 transcripts, you said you never said it, right?

9 A. I don't remember saying some of that
10 stuff.

11 Q. Well, you said you never said it, didn't
12 you?

13 A. Yes, sir.

14 Q. And even though it was there in black and
15 white for you to read, you continued to say, "I
16 never said that," right?

17 A. Yes, sir.

18 Q. Well, maybe it would help if you heard it.
19 Okay? How about that?

20 A. Okay.

21 Q. And I think you said, in response to
22 Mr. Castle's questions, that you had never talked to
23 Detective Lewis on March 1st of 2007 concerning
24 strangling Mr. Martinez at the jail facility,
25 correct?

1 A. Yes, sir.

2 MR. SINDEL: Your Honor, at this time I'd
3 like to play Exhibit BV5, the interview by Detective
4 Lewis of the witness here, beginning at 357 on that
5 interview, along with the identification.

6 MR. BECK: Your Honor, I'm just not sure
7 what the purpose is.

8 MR. SINDEL: It's the --

9 THE COURT: Hold on.

10 MR. BECK: I understand that he said it
11 may help, but I don't think he's asked a question
12 about the May 2007 interview.

13 THE COURT: Well, what is the purpose? Is
14 it to impeach? Refresh memory?

15 MR. SINDEL: Impeach.

16 THE COURT: What has he said so far that
17 --

18 MR. SINDEL: He said he didn't do an
19 interview.

20 MR. BECK: He didn't say that. He
21 admitted that he -- he said it probably sounds like
22 something, he walked away and said -- I think it was
23 "F those snitches" or something.

24 THE COURT: Well, his last answer was
25 "Yes, sir," so I think he gave you the answer you

1 wanted.

2 MR. SINDEL: Well, I believe I asked him
3 if he was asked, during the course of Mr. Castle's
4 cross-examination, whether or not he ever gave any
5 statements concerning the murder of Mr. Martinez in
6 the jail facility on March 1st of 2007. That's what
7 we want to play. He had said to Mr. Castle he had
8 not done that.

9 THE COURT: Well, ask your question, and
10 then I'll see if it needs to be impeached. Right
11 now he said, I think, "Yes, sir" to everything
12 you've asked him.

13 BY MR. SINDEL:

14 Q. Did you in fact give an interview?

15 A. No, sir.

16 Q. Okay.

17 A. Not to an APD officer or nothing right
18 after that murder, no, sir.

19 Q. On March 1st, 2007, you didn't do that,
20 right?

21 A. No, sir.

22 THE COURT: All right.

23 (Audio played.)

24 Q. Do you recognize your voice?

25 A. Yes, sir, I remember that.

1 Q. Okay. Go ahead. Thank you.

2 (Audio played.)

3 Q. Is that your voice?

4 A. Yes, sir.

5 Q. So you are laughing?

6 A. It sounds like it.

7 Q. Do you know Frederico?

8 A. Prior to us killing Animal, no, I didn't
9 know him.

10 Q. When he asked you, "Do you know Frederico
11 Munoz?" you said, "That name sounds familiar,"
12 right?

13 A. Yes, sir.

14 Q. This was the guy whose cell you went into
15 and strangled the life out of, right? His name
16 sounds familiar?

17 A. I didn't know Animal prior to any of that.

18 Q. So it was, just as far as you know, a
19 stranger to you?

20 A. Yeah, pretty much, you know.

21 Q. "I didn't know him at all." Right? That
22 was what you said in that statement, right?

23 A. Yes, sir.

24 Q. And in 1998 was the first time you'd ever
25 met him; was that true?

1 A. Yes, sir.

2 Q. Then you said, "I'm a lot older than he
3 is. He's a youngster." Right?

4 A. I was referring to Frederico Munoz.

5 Q. Frederico Munoz. Was he the individual
6 who had participated with you in killing
7 Mr. Martinez?

8 A. Yes, sir.

9 Q. And then you said you never even met Felix
10 Martinez, correct?

11 A. Yes, sir.

12 Q. That wasn't true, was it?

13 A. I'd never met him.

14 Q. Up until he asked you if you ever went
15 into his cell, and you said, "No"?

16 A. Up until then, I'd never met him.

17 Q. Had you ever gone into his cell?

18 A. Maybe. I think one time prior to us
19 killing him.

20 Q. Okay. Well, did you meet him when you
21 went into his cell?

22 A. I believe so.

23 Q. So you had met him before, before you had
24 decided to choke the life out of him, right?

25 A. Yeah, I met him, but I didn't know him.

1 Q. You tried to convince the detective that
2 was questioning you that this was all over some
3 Black inmates who you said molested a child, right?

4 A. No, sir. Those were two completely
5 different incidents.

6 Q. "Yeah, all that started was because one
7 was a child molester and one raped somebody over
8 something like that." Do you remember saying that?

9 A. They were the father and the son.

10 Q. And you said that on the tape, right?

11 A. Yes, sir.

12 Q. "Yeah, all that started." Right?

13 A. Yes, sir.

14 Q. Now, you also, I think, had said in
15 response to questions from Mr. Castle that you had
16 talked to Sleepy, Smurf, Gumby, and Oso, and
17 basically had given them instructions that if
18 Mr. Gallegos did not carry out your orders, he was
19 to be killed?

20 A. Yes, sir. But I never --

21 Q. They put the shanks in the yard?

22 A. I never said anything about Oso, but I did
23 say about the other ones.

24 Q. Well, is Samuel Gonzalez Gumby?

25 A. I think so or -- but it's Blea. I'm not

1 sure. Gonzalez?

2 Q. I believe you testified that this
3 conversation with Gumby and the others, that
4 occurred on the Sunday prior to the murders of
5 Mr. Castillo and Mr. Garza?

6 A. I believe so, yes, sir.

7 Q. Were you aware that Gumby was no longer
8 even at the institution at the time that you claimed
9 you talked to him?

10 A. He was there. All of them were there at
11 the time.

12 Q. So if his housing records reflect that he
13 was discharged on March 18th, they'd been wrong?

14 A. He was there when everything went down.

15 Q. He'd have been gone, wouldn't he?

16 A. No, not as far as I remember. We were all
17 still sitting in the same pod. We were all still in
18 the same pod.

19 Q. You had talked about a murder or assault
20 that you had done in McKinley County, correct?

21 A. Yes, sir.

22 Q. What happened then?

23 A. It was just an assault. It was a guy
24 that -- he was a child molester and everything, and
25 I blocked the cell door and came out. And he tried

1 to block me from sticking him with a chair, and I
2 believe I got him like three or four times.

3 Q. You stuck him?

4 A. I believe I got him.

5 Q. And that had nothing to do with the SNM,
6 right?

7 A. No.

8 Q. That was all personal?

9 A. That was just because he was a child
10 molester.

11 Q. And you had also, I think, testified that
12 you -- if someone disrespects you, you have to kill
13 them?

14 A. No, sir. If somebody disrespects me, I'm
15 going to hit them or something, but not kill them
16 right there on the spot. You're going to attack.
17 It just depends on how they disrespect you.

18 Q. You're going to attack them, right?

19 A. Yeah, pretty much.

20 Q. That basically applies to anybody who
21 disrespects you?

22 A. That's rules of being in prison.

23 Q. Is that the code of a convict?

24 A. Pretty much.

25 Q. So that would be pretty much true for

1 anyone in prison, right?

2 A. Yes, sir.

3 Q. That if you're disrespected, you have to
4 take some action, right?

5 A. Yes, sir.

6 Q. Is that the truth on the outside, as well?

7 A. No, sir, because I don't mess around like
8 that on the outside.

9 Q. All right. That's not part of the SNM
10 code to do that on the outside?

11 A. No. If it has to do with the SNM, well,
12 then, that's part of the code.

13 Q. And that's part of the convict code?

14 A. Yes, sir.

15 Q. The convict code that you and other
16 convicts live by, right?

17 A. Yes, sir.

18 Q. Because that's sort of what you have to do
19 to get by there when you're behind the walls, right?

20 A. Yes, sir.

21 Q. But when you go out, you no longer have to
22 live with that code?

23 A. If you're part of SNM, you have to. You
24 have to live by all code at all times.

25 Q. All right. So then if your mother

1 disrespects you, do you stick her?

2 A. No. That's your mother.

3 Q. What if your sister disrespects you? Do
4 you stick her?

5 A. No.

6 Q. But if your brother disrespects you, do
7 you stick him?

8 A. No. That's family. That's family.

9 Q. What about if a waitress disrespects you?
10 Do you stick her?

11 A. Nah.

12 Q. It is only when you're disrespected as a
13 member of the SNM, right?

14 A. Yes, sir.

15 Q. And they disrespect you as a member, not
16 as a human being, right?

17 A. Yes, sir.

18 Q. Now, I think you testified that you don't
19 have any tattoos that are SNM tattoos, right?

20 A. No, sir.

21 Q. Those would give you away, wouldn't they?

22 A. No. I testified that I have the charra on
23 my back, the Mexican woman on my back.

24 Q. But you don't have an SNM tattoo of any
25 kind, right?

1 A. No.

2 Q. Because you don't want to be a giveaway
3 that you're an organizational member, do you?

4 A. My tattoo on my back gives me away.

5 Q. It's not a Zia, is it?

6 A. No, sir.

7 Q. It doesn't have an "S" in it, does it?

8 A. No, sir.

9 Q. Those are typical tattoos that are
10 reserved for members of the SNM, right?

11 A. Yes, sir.

12 Q. And if you're not a member of the SNM,
13 you're not supposed to wear it?

14 A. No, sir. It doesn't matter. There are
15 some people that wear it; some people that don't.

16 Q. But you're not supposed to, right?

17 A. You know, it just depends.

18 Q. Well, is the reason that you don't have
19 that tattoo is, you don't want people to know you're
20 a member of the SNM?

21 A. People knew I was SNM for a long time.

22 Q. Isn't it true that you were afraid that
23 people might find out that you're a member of the
24 SNM?

25 A. No, sir.

1 Q. Bates 65298. See if you can tell me
2 whether or not there are certain things that
3 occurred during the course of your frequent
4 psychiatric evaluations that were an accurate
5 description of your personality. Okay?

6 A. Okay.

7 Q. And that you also basically, at times,
8 were interviewed in connection with your psychiatric
9 treatment, right?

10 A. Yes, sir.

11 Q. They would sit down with you and talk to
12 you about your circumstances?

13 A. Yes, sir.

14 Q. And occasionally, they would test you?

15 A. Yes, sir.

16 Q. All right. And, you know, one of the
17 tests -- see if this describes you accurately.

18 A. Okay.

19 Q. This person presents himself as the victim
20 of circumstances, rather than the offender. Isn't
21 that an accurate description of what you've been
22 doing here for the last two days?

23 A. I don't believe so.

24 Q. Haven't you always basically claimed that
25 you were a victim of circumstance?

1 A. No, sir.

2 Q. And is this true: "He rationalizes the
3 offense and denies any guilt for it, with an excuse
4 ready for each crime committed"?

5 Is that a true statement about who you
6 are?

7 A. No, sir.

8 Q. You're self-centered and do not listen to
9 criticism or advice. Is that a true statement about
10 who you are?

11 A. No, sir.

12 Q. Your judgment is faulty and so is your
13 impulse control. Is that a true statement?

14 A. No, sir.

15 Q. And that you're an easy target for
16 manipulative peers. Is that a true statement?

17 A. No, sir.

18 Q. So Wild Bill Garcia never manipulated
19 right?

20 A. No.

21 Q. But you're not an easy target?

22 A. We're friends.

23 Q. You're not an easy target, right?

24 A. No. We're friends.

25 Q. So in terms of those tests that were done

1 and the results of those interviews and everything,
2 you would basically say none of those things apply
3 to you, correct?

4 A. No. You know, I take responsibility for
5 whatever I do.

6 Q. There is no question in front of you right
7 now. Okay? I mean, I know just how much you want
8 to talk, but just wait till there is a question.
9 All right?

10 And would it be true, as a result of the
11 testing and the evaluations and your consultations
12 with the members, that you are easily scared by
13 other residents and may become passive or a crybaby
14 in nature?

15 A. No, sir.

16 Q. That's not true, either?

17 A. I didn't start getting like that until I
18 got real sick and everything.

19 Q. There is a history of family -- there is a
20 family history of mental disorders, too, in your
21 family, right?

22 A. Yes, sir.

23 Q. That's one of the things that the
24 psychiatrist and the psychologist were evaluating,
25 right?

1 A. I believe so.

2 Q. And you also had a history of taking
3 psychotropic drugs?

4 A. While I was in prison, yes, sir.

5 Q. And three attempted suicide attempts?

6 A. I believe so.

7 Q. Including one where you tried to hang
8 yourself with a sheet?

9 A. Yes, sir.

10 Q. Did you make the sheet into a rope?

11 A. No, sir.

12 Q. Was it just flat? I mean, did you put it
13 around your neck?

14 A. I just tore the sheet up and wrapped it
15 around my neck and tied some knots.

16 Q. And is that similar to the knots that you
17 tied in the sheet that you used to extinguish the
18 life of Mr. Martinez?

19 A. It was just regular knots. That's all.

20 Q. On a sheet?

21 A. Yeah.

22 Q. Wrapped around his neck?

23 A. Around my neck, when I did it.

24 Q. And around his neck, too?

25 A. I didn't put no rope around his neck.

1 Q. Well, that's what broke his fingers.

2 A. I tied knots.

3 Q. You broke his fingers so he couldn't -- so
4 as he tried to gasp for breath, right?

5 A. Excuse me?

6 Q. You broke his fingers, or you thought you
7 did, as he tried to stop his impending death?

8 A. When I pulled his fingers away, I didn't
9 know if I broke them or not.

10 Q. And for that particular crime, you were
11 sentenced to 15 years, right?

12 A. Yes, sir.

13 Q. Now, I think you've testified that you and
14 Mr. Munoz met several times to talk about how you
15 were going to do this crime?

16 A. Yes, sir.

17 Q. And that you went in there, and there was
18 something with tobacco and heroin, right?

19 A. Yes, sir.

20 Q. And the whole purpose was to rock him to
21 sleep, let him feel comfortable, Mr. Martinez?

22 A. No. The purpose was, he was rolling a
23 tobacco cigarette so we could all smoke.

24 Q. Right. And then you were saying, "This is
25 what we're going to do. We're going to smoke, we're

1 going to have a little heroin, and just have a good
2 old time"?

3 A. It wasn't like that.

4 Q. It wasn't like that?

5 A. No, sir.

6 Q. Well, did he know you were going to attack
7 him?

8 A. No, sir.

9 Q. Did you give him any kind of warning that
10 you were about to attack him?

11 A. No, sir.

12 Q. But that was your plan, right?

13 A. Yes, sir. It wasn't my plan. It was both
14 of ours.

15 Q. All right. So you, in combination with --
16 well, I thought you said you never really talked to
17 Munoz when you talked to the detective, right? That
18 wasn't true, was it?

19 A. No, I didn't talk to him when I first met
20 him and stuff. I didn't know who he was.

21 Q. I didn't say that, did I? You had talked
22 with Munoz several times before you met with the
23 detective on March 1st, 2007?

24 A. Not as friends, because I didn't know who
25 he was. I didn't know him.

1 Q. I didn't ask you that as friends. Did you
2 talk to Frederico Munoz before March 1st, 2007?

3 A. I believe so.

4 Q. Well, I mean, did you guys plan what you
5 were going to do in that cell at that jail facility?

6 A. In my cell, we did.

7 Q. Sitting down together, making a plan?

8 A. Yes, sir.

9 Q. And when you finally went to the police
10 and said, "Here's what we did, here's what I did,"
11 that was after you were pretty well -- well, let's
12 say your goose was cooked, wasn't it? There was
13 DNA, right?

14 A. I didn't know if there was or not.

15 Q. Well, you knew they'd swabbed you for DNA?

16 A. Yes, sir.

17 Q. You knew that you had handled the sheet,
18 correct?

19 A. Yes, sir.

20 Q. You knew that you had also handled his
21 body, correct?

22 A. Yes, sir.

23 Q. So you knew that certainly it was very
24 possible that DNA would be there?

25 A. Yeah, there was a possibility.

1 Q. And you also believed that Mr. Munoz was
2 cooperating against you?

3 A. Yes, sir.

4 Q. And you knew that other people were
5 cooperating against you?

6 A. I didn't. I just thought that it was just
7 Freddie Munoz.

8 Q. Okay. Well, didn't you think or weren't
9 you concerned that Mr. Lugo was going to testify
10 against you?

11 A. No, sir.

12 Q. So when Mr. Lugo said that you forced him
13 and took him up and looked at his body, was that
14 true?

15 A. No, sir.

16 Q. And when he said that his head looked like
17 a beach ball, was that true?

18 A. No, sir.

19 Q. And when he said that you then took him
20 back to the cell and beat him, was that true?

21 A. No, sir.

22 Q. And when he said that you raped him, was
23 that true?

24 A. No, sir.

25 Q. So none of those things happened?

1 A. No, sir.

2 Q. But you were aware, were you not, that he
3 was quote-unquote "cooperating," right?

4 A. No, sir.

5 Q. Well, didn't you see the police reports in
6 connection with that?

7 A. I didn't see nothing until the tablet.

8 Q. Well, you've seen the police reports,
9 right?

10 (Mr. Benjamin entered the proceedings.)

11 A. Not on the whole case. No, I didn't get
12 my discovery or nothing. I didn't know anything,
13 really, what was going on, on my discovery in that
14 case.

15 Q. Did you have a lawyer?

16 A. Yes, sir. I was told that the case was
17 sealed or something like that. That's what I was
18 told. So I just believed it and took the 15 years.

19 Q. Well, you know what discovery is, don't
20 you?

21 A. Yes, sir.

22 Q. Discovery is basically the process in
23 which you, as a defendant in a case, can look over
24 police reports?

25 A. Yes, sir.

1 Q. And look over the evidence that they have
2 against you?

3 A. Yes, sir.

4 Q. And then it can help you make a decision
5 about how you want to proceed?

6 A. Yes, sir.

7 MR. SINDEL: May I have a moment, Your
8 Honor?

9 THE COURT: You may.

10 MR. SINDEL: May I approach the witness?

11 THE COURT: You may.

12 Q. I'm going to show you Bates 2240. Does
13 that appear to be the Albuquerque Police Department
14 supplementary offense report?

15 A. This is the first time I've ever seen
16 that.

17 Q. Do you see that number down there?

18 A. Yes, sir.

19 Q. That's a Bates number?

20 A. Yes, sir.

21 Q. That means it's part of the discovery that
22 you had on the tablet, right?

23 A. I've never read it. When I had the
24 tablet, I only had the tablet, I think, maybe two
25 months, three months, when there was only 10,000

1 pages of stuff.

2 Q. Okay, 10,000 pages. Tell me what that
3 page number is.

4 A. 2240. I never read it.

5 Q. That's well within 10,000, isn't it?

6 A. Yes, sir.

7 Q. And I think you also said that you
8 destroyed that tablet, right?

9 A. Yes, sir.

10 Q. You broke it up?

11 A. Yes, sir.

12 Q. Smashed it?

13 A. Yes, sir.

14 Q. In January of 2017?

15 A. Yes, sir.

16 Q. Or 2018?

17 A. It was '17, I believe.

18 Q. So by that time, this document was there?

19 A. I've never seen that.

20 Q. I know you said that. I just don't --
21 well --

22 A. I've never read it. I've never seen it.

23 Q. Let's just talk a little bit about the
24 discovery process. Your attorney who represented
25 you on this, correct, did he ever come to you and

1 say, "Look, here's the evidence against you; you
2 probably need to plead guilty"?

3 A. No, sir.

4 MR. CLARK: Objection, Your Honor;
5 attorney-client privilege. That's not been waived
6 in this matter.

7 THE COURT: All right. Go ahead and enter
8 your appearance so that the jury knows who you are.

9 MR. CLARK: Good morning, ladies and
10 gentlemen. My name is Dean Clark. I represent
11 Leonard Lujan.

12 THE COURT: All right. So let's respect
13 the attorney-client privilege and not ask questions
14 that invade it.

15 MR. SINDEL: All right.

16 BY MR. SINDEL:

17 Q. Let me ask you this: Did Mr. Clark
18 represent you in connection with this case?

19 A. No, sir.

20 Q. Okay. So he doesn't have anything to do
21 with this Albuquerque case, right?

22 A. No, sir.

23 Q. So let me ask you this: Did the attorney
24 bring you any discovery?

25 A. No, sir.

1 Q. Was there -- when you decided to plead
2 guilty, was that as a result of your understanding
3 of what the case was against you?

4 A. It was my understanding that -- I just
5 thought that Frederico Munoz was turning against me
6 and stuff, and that's when I went with Troy Davis, I
7 think it was, the District Attorney and everything.
8 And Troy Prichard was my attorney. And I never seen
9 no discovery or nothing.

10 We sat in that room. That's when I gave
11 that first statement. And after that, they offered
12 me the 15 years and I took the 15 years. But I've
13 never seen the discovery.

14 Q. That attorney certainly wasn't doing his
15 job?

16 A. Exactly.

17 Q. Whew. And if you wanted to, you could
18 say, "Look, I want to set aside my plea of guilty?"
19 You know how to do that, don't you?

20 A. No.

21 Q. You know what a writ of habeas corpus is,
22 don't you?

23 A. Yeah, I know what that is.

24 Q. You know what post-conviction remedies
25 are, don't you?

1 A. No, sir.

2 Q. You don't know that you can go back into
3 court and say, "I had a lousy lawyer who didn't tell
4 me what he was supposed to tell me"?

5 A. That, I know. Now that you're saying it
6 the way like that, I understand that.

7 Q. Okay. And you can go into court and say,
8 "My lawyer didn't even show me the police reports,"
9 correct?

10 A. Um-hum.

11 Q. You have to say "Yes" or "No."

12 A. Yes, sir.

13 Q. And that you can go back in and tell them,
14 "I want to withdraw my plea of guilty because I had
15 a lousy lawyer"?

16 A. Yes, sir, I believe you can do that.

17 Q. "And because he didn't do his job"?

18 A. Yes, sir.

19 Q. "And because he never even showed me what
20 Mr. Sindel is showing me, this police report"?

21 A. Yes, sir. I've never seen that.

22 Q. Yeah, even though it was on the tablet,
23 right?

24 A. I never even seen it on the tablet.

25 Q. You didn't know it was on the tablet,

1 right?

2 A. I've never seen it.

3 Q. Did you ever receive any information --

4 MR. BECK: Objection, Your Honor; hearsay.

5 THE COURT: Well, let me hear the question
6 first, then I'll make a determination.

7 Q. You said the first time you ever knew
8 anything about Mr. Lugo was when?

9 A. After we did the murder, I approached Lugo
10 and I gave him my Fila tennis shoes and switched
11 shoes with him. Because he had asked me prior,
12 about a couple weeks prior, about the Filas. He
13 wanted them and stuff, and I told him, "No." And so
14 after we did the murder, I went ahead and gave him
15 the Filas because I was paranoid, you know, so I
16 switched shoes with him. If I'm correct, we
17 switched shoes.

18 But as far as discovery, I've never seen
19 the discovery.

20 Q. So you didn't know at any time that
21 Mr. Lugo had said that you had taken him up to the
22 cell?

23 A. No.

24 Q. Right?

25 A. No, sir.

1 Q. You didn't know at any time that Mr. Lugo
2 had said, which is in this report, that you had
3 raped him?

4 A. No, sir.

5 Q. And you didn't know that you said to him,
6 "If you tell on me, the same thing that happened to
7 Mr. Martinez is going to happen to you"?

8 A. No, sir. I never seen that, none of that.

9 Q. Until recently?

10 A. Until just now.

11 Q. Well, you've been told? Obviously, you've
12 been told about what Mr. Lugo said about you, right?

13 A. Yeah, just recently. I've been told, you
14 know, within, I think, a week, a week or two.

15 Q. Did Mr. Beck --

16 A. Other than that, I've never seen that or
17 nothing.

18 Q. Did Mr. Beck or any members of the
19 prosecution team tell you about that?

20 A. I think it was me and Mr. Beck talked
21 about it, and he had asked me about that.

22 Q. Did Mr. Beck review with you at any time
23 some of the questions he might ask you?

24 A. I think he asked me if I had done that to
25 Mark Lugo and I told him "No," and that's pretty

1 much as far as it went.

2 Q. Did Mr. Beck review with you some of the
3 questions he would ask you during the lengthy direct
4 examination of you?

5 A. I'm not sure. I'm not sure. I don't
6 remember.

7 Q. You don't remember?

8 A. Yeah.

9 Q. The other day, you said you have a great
10 memory?

11 A. Yeah, but --

12 Q. Is that true?

13 A. We're talking and -- I mean, I can't
14 remember every exact thing that me and him talked
15 about.

16 Q. Well, did he talk to you at all about the
17 subject matters he was going to --

18 A. He said --

19 Q. Just wait for my question. Did he talk to
20 you at all about the subject matters that he was
21 going to go through when you were examined in front
22 of this jury?

23 A. I believe so, concerning that, about Mark
24 Lugo, I think he did.

25 Q. Mark Lugo. Was there anything else he

1 talked about?

2 A. We talked about other things concerning
3 the case.

4 Q. Did he talk to you about some of the
5 questions that he might ask you?

6 A. I believe so.

7 Q. You believe so?

8 A. Well, I think so, yes. Yes, we did.

9 Q. "I believe so." "I think so."
10 He did, didn't he?

11 A. Yes.

12 Q. Why can't you just say he did?

13 A. Because I'm trying to answer your
14 question. I'm sitting here, trying to answer your
15 question.

16 Q. Why don't you answer it by saying, "Yeah,
17 he did"?

18 A. Okay. Well, then, yeah, he did.

19 Q. Okay. So getting back to where we started
20 with Martinez, it was pretty clear, from your
21 assessment of the circumstances you were in, that
22 your goose was cooked, right?

23 A. Yeah, pretty much. Yes, sir.

24 Q. Even though you had never seen any report,
25 you made that determination, right?

1 A. Yes, sir.

2 Q. And so you said, "Look, I think I'll just
3 go ahead and talk to Detective Lewis and see what I
4 can work out"?

5 A. No, sir, that's not exactly what was going
6 on in my mind. I just, at the time, I got tired of
7 everything that was going on.

8 Q. Did you tell them that you wanted into the
9 Witness Security Program when you talked with them
10 on March the 1st -- I'm sorry -- on August the 8th,
11 2007?

12 A. Yes, sir.

13 Q. Did you tell them at that point in time
14 that you wanted to know exactly what they could do
15 for you?

16 A. Yes, sir.

17 Q. And did you tell them at that time that
18 whatever they were going to do for you, you want it
19 in writing?

20 A. Yes, sir.

21 Q. And that was right at the very beginning
22 of that investigation or that interview, right?

23 A. I believe so, yes, sir.

24 Q. And you said, "Look, you know, I want to
25 know exactly what you can do for me before I talk to

1 you," right?

2 A. Yes, sir.

3 Q. Because you wanted to find out if they
4 could get you into the Witness Security Program?

5 A. Yes, sir.

6 Q. Because you wanted to find out whether or
7 not they could help you with your murder case of
8 Mr. Martinez, right?

9 A. No, sir.

10 Q. So you weren't at all concerned about
11 that?

12 A. It had nothing -- it wasn't about that.

13 Q. Let me ask you if you remember being
14 asked, "On the other stuff, I need to know that, you
15 know, what's coming my way."

16 Do you remember answering that question?

17 A. I believe that I probably might have asked
18 them that question.

19 Q. You want to know what's coming your way,
20 right?

21 A. Yeah, I probably did ask them.

22 Q. And you want to know it before you reveal
23 any details?

24 A. Yeah, but -- yeah.

25 Q. Is that right?

1 A. Yes, sir.

2 Q. I'm not going to tell you nothing until I
3 know what's coming my way, right?

4 A. It wasn't -- it wasn't like that. It
5 wasn't like that. It just came out that way.

6 Q. May I approach?

7 THE COURT: You may.

8 Q. Did you say to them, "You know, but the
9 thing is, before I reveal any details on anything,
10 on other stuff I need to know that, you know, what's
11 coming my way"? Right?

12 A. Yeah.

13 Q. Those were your words?

14 A. It's been a while, so -- yeah, they
15 probably were my words. So yeah.

16 Q. Have you had a chance to review any of the
17 transcripts of the interviews that you had with the
18 FBI or with Detective Lewis or any of the other
19 police officers?

20 A. Yes, sir.

21 Q. And so you know that this is in there,
22 right?

23 A. Yes, sir.

24 Q. So when you say, "I don't remember it,"
25 you know today, when I ask you these questions, that

1 all that stuff is in there?

2 A. Yes, sir.

3 Q. And you said, "Before I go into any
4 detail, I want to know what I'm being offered"?

5 A. Yes, sir.

6 Q. "Because I know right now I'm facing a
7 life sentence for capital murder. It's death
8 penalty, you know"? Right?

9 A. Yes, sir, I remember saying that.

10 Q. So, I mean, does that tell me or tell
11 anyone listening to it that your goose is cooked?

12 A. If you refer to it that way.

13 Q. It's your words, isn't it?

14 A. Yeah, pretty much.

15 MR. SINDEL: May I approach?

16 THE COURT: You may.

17 Q. "I want to know what -- what I got coming,
18 you know"? Right?

19 A. Yes, sir.

20 Q. And they tell you, "We've got you for
21 first degree," right?

22 A. Yes, sir.

23 Q. And you say, "Yeah, I know"?

24 A. Yeah, I remember saying that.

25 Q. And you say, "I want it on paper"?

1 A. Yeah.

2 Q. That was right before you began giving any
3 statements at all about what happened in Martinez's
4 cell when you and Munoz choked the life out of him,
5 right?

6 A. I didn't choke the life out of him. I
7 tied the knots.

8 Q. Well, you were part and parcel of the
9 whole process?

10 A. I'm not the one that choked him. I just
11 tied the knots.

12 Q. You pried his fingers away from the noose
13 that was around his neck, didn't you?

14 A. Yes, sir.

15 Q. To make sure he would die?

16 A. Yes, sir.

17 Q. And you also, when it looked like he might
18 be unconscious or dead -- you didn't know -- you're
19 the one that tied the knots?

20 A. Yes, sir.

21 Q. So if somehow or another he revived
22 himself, he still couldn't escape death, could he?

23 A. Yes, sir.

24 Q. That was the purpose of those knots,
25 right?

1 A. Yes, sir.

2 Q. And did you indicate to them when they
3 were interviewing you, "Look, I don't want to get
4 screwed in the end"? Right?

5 A. Yes, sir. Yes, sir.

6 Q. Because you didn't initially trust them,
7 did you?

8 A. No. No, sir.

9 Q. And you were afraid that they may have
10 cooperators that were working with him that were
11 lying, right?

12 A. It's a possibility.

13 Q. Well, you've already told this jury that
14 one of the cooperators was lying, Mark Lugo, right?

15 A. Yes, sir.

16 Q. So just because someone is cooperating
17 with the Government doesn't mean they're telling the
18 truth, does it?

19 A. Yeah. Yes, sir.

20 Q. And the other day when you said you don't
21 have problems with your memory, that's not accurate,
22 is it?

23 A. Well, everybody doesn't remember
24 everything.

25 Q. I didn't ask you that. Did you in fact

1 tell interviewing officers and FBI agents that you
2 had problems with your memory?

3 A. No, sir.

4 Q. Never? You're sure of that?

5 A. I might have. I might have told them
6 that. I don't remember, though, on that. You know,
7 I might have. I could have.

8 Q. All right. So we're going from "No" to "I
9 might have" to "I could have." How about if you
10 just go "I did"?

11 A. Well, then, I did.

12 Q. Okay. And you said that in particular you
13 would have memory problems because of your
14 medication?

15 A. Yes, sir, if I was on heavy medication at
16 that time.

17 Q. And you told them that that affects your
18 memory, right?

19 A. At that time, yes.

20 Q. And that you get confused, right?

21 A. At that time, yes.

22 Q. Now, the deal that you eventually worked
23 out for the resolution of the Martinez case was 15
24 years?

25 A. Yes, sir.

1 Q. That's somewhat similar to the sentences
2 you got for residential burglary or stealing a motor
3 vehicle, right?

4 A. No. At the time that I got those
5 sentences, it was for an eight-year habitual and I
6 think firearm enhancement or something like that.

7 Q. Right. But in other words, a 15-year bit,
8 that's nothing to you, is it?

9 A. That's a lot of time to me.

10 Q. You knew that you were getting one heck of
11 a deal, right?

12 A. When they offered the 15, I said, "Oh,
13 yeah, I'll take the 15."

14 Q. "I'll snatch that 15"? Right?

15 A. Yeah.

16 Q. Rather than life?

17 A. Yes, sir.

18 Q. Rather than death?

19 A. Yes, sir.

20 Q. All those things were options?

21 A. Yes, sir.

22 Q. And you know that in this particular case,
23 that a life sentence is a sentence that could be
24 imposed on you?

25 A. Yes, sir.

1 Q. And that in the federal system, you're
2 aware that if you get life, you don't get out, do
3 you?

4 A. Yes, sir.

5 Q. So you're hoping that you can convince the
6 Judge and the prosecutor that your performance here
7 is good enough to give you some benefit?

8 A. Yes, sir.

9 Q. A time cut?

10 A. Yes.

11 Q. So you can hit the streets again?

12 A. Yes, sir.

13 Q. And so you can get back at Mr. Munoz if
14 necessary?

15 A. No, sir.

16 Q. So you have -- in your plea agreement,
17 there is a reference to a motion for a 5K relief,
18 right?

19 A. Yes, sir.

20 Q. And that particular motion you understand
21 is completely up to these people over here?

22 A. Yes, sir.

23 Q. You have to perform to their satisfaction
24 in order to get that motion?

25 A. Yes, sir.

1 Q. And if you get that motion, the Judge can
2 say, "Look, I'm not going to give you life; I'm
3 going to give you something less than life"?

4 A. Yes, sir.

5 Q. And they can also make a recommendation to
6 the Court as to what they think your performance was
7 worth?

8 A. Yes, sir.

9 Q. And there was another mention, I noticed
10 in the plea agreement, for a 3553. Do you remember
11 that?

12 A. I don't know what a 3553 is.

13 Q. Well, were you in a position at any
14 time -- I'm not asking you what you had. I'm asking
15 you: Were you in a position to discuss with your
16 lawyer the terms of the plea agreement?

17 A. Yes, sir.

18 Q. Were you in a position to discuss with the
19 prosecutor what the terms of the plea agreement is?

20 A. Yes, sir.

21 Q. And if the plea agreement said that they
22 also could file a 3553 to reduce your sentence,
23 wouldn't it have been a good idea to know what they
24 were talking about?

25 A. I probably didn't understand it. That's

1 probably what happened there.

2 Q. Well, did you understand that the
3 obligation of the prosecution was to explain to you
4 the terms of the plea agreement, right?

5 A. Yes, sir.

6 Q. To be fair?

7 A. Yes, sir.

8 Q. And did you understand that the role of
9 your attorney was to make sure you understood what
10 the terms of the plea agreement was?

11 A. Yes, sir.

12 Q. So that if a 3553 can be filed in addition
13 to a 5K, would that be a second chance for you to
14 get your sentence reduced?

15 A. I believe so.

16 Q. So if the 3553 is the icing on the
17 prosecution's case, you certainly would want to take
18 advantage of that, wouldn't you?

19 A. Yes, sir.

20 Q. You got me there. So all of these things
21 were basically the incentive for you to come into
22 court, talk about your psychiatric history, talk
23 about your murderous past, all of these things,
24 because you might get a sentence cut, right?

25 A. No, that wasn't what it was about, because

1 I didn't get in this program or nothing right away
2 or nothing like that, or any of this right away or
3 nothing. When this first started, I wasn't even
4 going to testify or nothing against nobody. I
5 didn't want nothing to do with none of this.

6 Q. All right. You know, you told them back
7 in August of 2007 -- we already went through it --
8 "I want to know what's coming to me"? Right?

9 A. That was back then.

10 Q. And you said, "I got plenty to give you, I
11 can tell you a lot, but I need to know the details
12 of what's coming to me"? Right?

13 A. Yes, sir.

14 Q. But now, that's totally changed, right?

15 A. Well --

16 Q. The scales have fallen from your eyes?

17 A. No, I don't look at it that way.

18 Q. You look at it as a chance to hit the
19 streets again?

20 A. No. I haven't -- I haven't looked at it
21 that way because, for me, I mean -- you know, you
22 said I don't have remorse. Well, I do have remorse.

23 Q. I didn't say a word about -- did I use the
24 word "remorse?"

25 A. You guys have been saying it since we've

1 been here.

2 Q. Did I say the word "remorse" at any time
3 to you?

4 A. No, sir.

5 Q. And whether you do or not, that's all
6 inside you, correct?

7 A. Yes, sir.

8 Q. So would you be willing, then, to stand up
9 in front of the prosecution and in front of the
10 Court and say, "You know what? I have remorse, and
11 I would just like to spend the rest of my life in
12 prison because I feel bad"?

13 A. Well, if that's what -- if that's what the
14 Judge decides, that's what he decides.

15 Q. Well, is that what you're going to ask him
16 for?

17 A. I'm going with whatever the prosecution is
18 going to put out there; and whatever the Judge
19 decides, well, I can live with that.

20 Q. I'm not asking if you can live with that.
21 Would it be in any sense a disappointment to you if
22 you had to die in prison, if that happens?

23 A. Yes, sir, it would.

24 Q. You're fine with that, right? That's what
25 you're telling this jury?

1 A. No. It would be a disappointment to be in
2 prison for the rest of my life, especially with all
3 my medical conditions.

4 Q. Because that's what you bargained for in
5 the plea agreement, is the chance not to --

6 A. Yes, sir.

7 Q. -- die in prison, right?

8 A. Yes, sir.

9 Q. Unlike some of the people that you've
10 dealt with in the past, Mr. Martinez and others,
11 right, who did die in prison at your hands?

12 A. Yes, sir.

13 Q. You told Detective Lewis when you talked
14 with him, page 21, "My background ain't a real
15 violent one, other than the murders."

16 Is murder violent?

17 A. Yes, sir.

18 Q. Is assault with intent to do bodily harm
19 violent?

20 A. Yes, sir.

21 Q. Is getting into a fire fight on behalf --
22 as a pistolero on behalf of Leysha, a drug dealer,
23 was that violent?

24 A. Yes, sir.

25 Q. And did you also tell them that you had

1 carried a Glock 40 with you to a meeting involving
2 Leysha and some other drug dealers?

3 A. It's not exactly how you're trying to
4 portray it.

5 Q. Did you carry a Glock 40?

6 A. I had a Glock 40, trying to get the truck
7 get out of the sand. That's why I had it in my
8 hand. Because Mario Montoya was driving. He's the
9 one that had the 40, but I --

10 Q. You had a Glock 40?

11 A. I had it in my hands. I had it, yes, sir.

12 Q. Did you tell them that there also was
13 shots exchanged between the two cars?

14 A. No, sir. I never --

15 Q. You're positive?

16 A. I never said that. I never said anything
17 about any shots being fired.

18 Q. When you went back to your cell after
19 strangling or helping strangle Mr. Martinez to
20 death, was Mr. Lugo there?

21 A. I'm not sure. I think he might have been.
22 I think that's when I gave him the tennies and
23 switched tennies with him, and I think he had walked
24 out or something, you know.

25 Q. Yeah. And he also would have seen the

1 urine that was on your clothes as Mr. Martinez's
2 life left his body?

3 A. I'm not sure if he saw the urine or if he
4 even paid attention to it.

5 Q. He was probably pretty scared, wasn't he?

6 A. I don't know why he would be scared.

7 Q. Oh, no, just being a cell mate of somebody
8 who would strangle someone to death until they lost
9 control of their bowels and bladder, why would that
10 bother him?

11 A. We were childhood friends and everything.
12 I used to go hunting and stuff with him. So I don't
13 know why he would be scared.

14 Q. Did you talk to Detective Lewis about your
15 concern that people were coming in against you,
16 saying they'd witnessed some events leading up to
17 the murder of Martinez?

18 A. I might have. I'm not sure.

19 Q. Did you tell him that if people were
20 coming in on you and trying to cooperate, they were
21 lying?

22 A. Yes, sir. I think so, yes, sir.

23 Q. You said, "These guys who are kind of
24 coming in, you know, they're lying to you; I'm
25 telling you, don't believe them"? Right?

1 A. Yes, sir.

2 Q. Then would it be that your concern was
3 that, you know, once inmates see that there is a
4 chance that they can make a deal, they're going to
5 come swarming into that case like a pack of wolves?

6 A. Probably.

7 Q. Because, you know there's that fresh meat
8 of a possible deal sitting out there, right?

9 A. Yes, sir.

10 Q. And you're concerned that someone might
11 take advantage of that situation and say, "Look, I'm
12 going to tell them I saw something," even if they
13 didn't?

14 A. It wasn't like that, sir.

15 Q. You're worried that it could be? Do you
16 remember saying this: "That's why I'm telling you,
17 whoever's coming at you guys, saying they know what
18 took place and stuff, they're bullshitting"? Right?

19 A. Yeah, because there was only three people
20 that knew the truth about everything that took place
21 in that cell.

22 Q. So you're telling them that you know from
23 your experience that people will try to climb on
24 that gravy train?

25 A. I don't think I pertained it to in that

1 way. I'm not sure I pertained it in that way.

2 Q. "You know" -- I'm sorry, page 35. "You
3 know, so that's why I'm saying whoever is telling
4 you guys this or that or whatever, they're lying to
5 you guys"? Right?

6 A. I think what that says --

7 MR. BECK: Objection, Your Honor; hearsay.

8 THE COURT: It sounds like you are
9 eliciting statements for the truth, so I'll sustain.

10 Q. Were those your words that you said?

11 A. Can you repeat the question, please?

12 MR. BECK: Objection, Your Honor; hearsay.

13 THE COURT: Sustained.

14 MR. SINDEL: Your Honor, I believe these
15 are his words that he has spoken.

16 MR. BECK: They're out-of-court
17 statements.

18 THE COURT: They're out-of-court
19 statements being offered for the truth. Sustained.

20 BY MR. SINDEL:

21 Q. Let me ask you this: Was that your state
22 of mind at the time, that people could come in and
23 testify against you even though it wasn't true?

24 A. Yeah. You know, yeah.

25 Q. And then at the interview that you had

1 with Detective Lewis on August 8, 2007, you also
2 went into what you said happened in the March 2001
3 incident involving Garza and Castillo, correct?

4 A. Yes, sir.

5 Q. You told them that you went to try and
6 secure people that could follow through on your
7 orders, right?

8 A. They weren't my orders.

9 Q. They were your orders?

10 A. No, sir.

11 Q. You ordered people to do certain --

12 A. I chose them. I chose them because
13 somebody else gave an order.

14 Q. Well, did anyone else that you know of
15 talk to Mr. Chavez or Mr. Martinez about what they
16 were supposed to do, beside you?

17 A. No. I talked to Eugene and I told --

18 Q. You're the one, right?

19 A. Yeah, I talked to Eugene.

20 Q. You gave them the orders, didn't you?

21 A. No. I chose them because somebody else
22 gave the order. And if I wouldn't have done that,
23 well, it would have been my goose cooked.

24 Q. You were the one that made arrangements
25 that if they didn't do what they were supposed to

1 do, they were going to be killed, right?

2 A. Yes, sir.

3 Q. And you're the one that made the
4 arrangements to have shanks buried out in the
5 recreation yard so that if someone didn't accomplish
6 the task that you had assigned to them, they would
7 be killed?

8 A. Yes, sir.

9 Q. Page 49. Do you remember that when you
10 first said you talked to Joe, you said it was Joe
11 Castillo, right?

12 A. Yeah. I got confused there. But I've
13 always known it's Gallegos, because --

14 Q. You volunteered that you changed your
15 mind, right?

16 A. No. It's just I got a little confused on
17 the last name, that's all.

18 Q. Well, did anyone tell you that wasn't the
19 right last name?

20 A. No, actually nobody did.

21 Q. Did they ever suggest to you that it might
22 be Joe Gallegos and not Joe Castillo?

23 A. I think later on in the interview they
24 did, after -- I think after a few times I said the
25 name and then I remembered the name.

1 Q. Didn't they suggest to you that the name
2 is Joe Gallegos?

3 A. They might have. Yeah, they might have.
4 You know, like I said, later on in the interview I
5 think the name came up or I remembered it or they
6 might have suggested it.

7 Q. They did suggest it, didn't they?

8 A. But I knew the last name. I just --

9 Q. They did suggest it?

10 A. I just slipped up with it.

11 Q. They did suggest it, didn't they?

12 A. Yeah.

13 Q. Yes?

14 A. After reading the report, yeah, I think
15 they did.

16 Q. And didn't you tell them that you thought,
17 well, that Joe Gallegos had a green light on him?

18 A. At the time, yes, I did.

19 Q. And did you tell them that that green
20 light would not be lifted, that he would still have
21 a green light on him regardless of what he did?

22 A. No, sir.

23 Q. Never?

24 A. No, sir.

25 Q. Let me ask you if you remember an

1 interview that was conducted in January of 2017,
2 where FBI Agent Acee, FBI Agent Stemo, AUSA
3 Castellano, and AUSA Matthew Beck were all present?

4 A. I think that's the first time I met
5 Mr. Beck.

6 Q. You remember that?

7 A. Yeah, I remember that interview.

8 Q. They went over with you certain reports
9 that you had given in the past, right?

10 A. Yes, sir.

11 Q. And they asked you certain questions about
12 the hit team that you had secured, in order to
13 monitor what went on with the March 26, 2001,
14 incident, right?

15 A. Yes, sir.

16 Q. Did you tell them at that time that if any
17 of the original men backed out of the mission, the
18 second team would do the killing and kill whoever
19 failed to follow orders?

20 A. Yes, sir.

21 Q. So, in fact, these individuals who you had
22 sent and tasked with this obligation or job, they
23 were doing it so they didn't get killed, right?

24 A. Yes, sir. I think pretty much --

25 Q. You've answered the question.

1 A. Okay.

2 Q. The second team was made up of Rick
3 Sandoval, also known as Sleepy; Smurf; Anthony; and
4 Gumby? Right?

5 A. No. Smurf is from Anthony, New Mexico.
6 That's why it says "Anthony." And Gumby is -- I
7 thought his last name was Blea, but you corrected
8 me, and it's Gonzalez, and he's from southwest
9 Albuquerque.

10 Q. 42601.

11 MR. SINDEL: May I approach, Your Honor?

12 THE COURT: You may.

13 Q. This is a report. There is a date of
14 January 5, 2017 -- I can show you the first page if
15 you want to, in order to make sure we have you
16 acclimated -- correct? You've seen this report,
17 haven't you?

18 A. I believe so.

19 Q. Okay. Not "believe so." You have,
20 haven't you?

21 A. Yes, sir.

22 Q. And does it say in there the names that I
23 read out for the people who were in the -- who were
24 tasked with killing any individual who didn't follow
25 your orders?

1 A. Yes, it does.

2 Q. And does it indicate Gumby?

3 A. Yes, it does.

4 Q. And you said Smurf and Gumby were new to
5 the SNM?

6 A. Yes, sir.

7 Q. And did you indicate in there that Joe had
8 been chosen because he had been greenlighted and was
9 considered no good?

10 A. Yes, sir.

11 Q. Is that what it says?

12 A. Yes, sir.

13 Q. And that he was expendable?

14 A. I'm not sure if I used that word, because
15 I really don't even know what expendable means.

16 Q. That means that's something you can throw
17 in the trash when you're done with it.

18 A. Oh, okay.

19 Q. That would be true, wouldn't it?

20 A. Yes, sir.

21 Q. That's how that was communicated, right?

22 A. That's what that means.

23 Q. Something you could just throw away when
24 you were done, right?

25 A. Yeah.

1 Q. Have you ever heard the phrase "torpedo"?

2 A. Yeah, I know what "torpedo" means.

3 Q. That's basically what Joe was, a torpedo,
4 right? To be used up? To be used up?

5 A. No. He just had to earn his bones, you
6 know. He had to earn his bones because of that
7 green light.

8 Q. Does it say there that "Lujan" -- that's
9 you?

10 A. Uh-huh.

11 Q. -- "figured he was expendable" -- trash --
12 "and the gang could use him and then hit him later"?

13 Does it say that in there?

14 A. I'm not sure I said that.

15 Q. Does it say that in there?

16 A. It says that, yes, sir.

17 Q. Now, we've heard you over and over again
18 say, "I didn't say that," or "Maybe I didn't say
19 that," or "I don't believe I said that"? Right?
20 We've heard that hundreds of times in the last two
21 days, right?

22 A. Yeah.

23 Q. So when you saw this -- because you've
24 told us you read it?

25 A. Yeah.

1 Q. Did you say, "Wait a minute; I didn't say
2 that"?

3 A. Yeah, because I -- me, personally, I
4 wouldn't use "expendable" because I don't know what
5 it means.

6 Q. I didn't ask you if you used "expendable."

7 A. Yeah, you did.

8 Q. No, I didn't.

9 A. A while ago.

10 Q. And you already said -- I asked you if you
11 thought it was someone you could throw away. That
12 was the term I used, wasn't it?

13 A. No. You used "expendable."

14 Q. When you told me, "I don't know what
15 expendable means," then I said, "Something you could
16 throw in the trash"? Right?

17 A. Yes, sir.

18 Q. When I asked you, "Did you say that
19 Gallegos, we could use him and then hit him later"?
20 Yeah, you did, didn't you?

21 A. Yeah.

22 Q. Because that was the whole idea of this
23 thing, that these guys, if they did anything at all,
24 they had to do it or get killed?

25 A. Yes, sir.

1 Q. And whatever they would decide to do, they
2 would decide to do it to stay alive?

3 A. Yes, sir.

4 MR. SINDEL: May I have a moment, Your
5 Honor?

6 THE COURT: You may.

7 Q. There are a lot of things that you told a
8 lot of people, right?

9 A. Yes, sir.

10 Q. Over the course of this investigation?

11 A. Yes, sir.

12 Q. And what you just told me is the truth as
13 you know it?

14 A. Like I said, I've given --

15 Q. What you just told me is the truth as you
16 know it?

17 A. No, sir, because I've given multiple
18 interviews.

19 Q. What you just said under oath to this jury
20 is the truth as you know it?

21 A. No, you're coercing me to say the truth,
22 that I did that.

23 Q. I would not want to coerce you.

24 A. That's what you're doing.

25 Q. How did I coerce you? Did I bend your arm

1 here?

2 A. You said about expendables and all this
3 and all that, trying to confuse me, sir.

4 Q. What you just told me --

5 A. No, I've given multiple interviews to
6 different agencies and different FBI agents.

7 Q. And you never backed off the idea that you
8 were going to kill these guys if they didn't do what
9 you ordered?

10 A. No. Each time I've given an interview,
11 they've all been different wordings, but consistent.

12 Q. It has been consistent, right? You've
13 never backed off from the idea that you would kill
14 them if they didn't do what you said?

15 A. I wouldn't kill them.

16 Q. Well, somebody would kill them?

17 A. Yes, sir.

18 Q. And you've never backed off the idea that
19 Mr. Gallegos was trash that could be hit later?
20 You've never backed off that, either?

21 A. I never said them words, though.

22 Q. You said the words, "We could use him and
23 hit him later," right?

24 A. Yes, sir.

25 MR. SINDEL: That's all I have.

1 THE COURT: Thank you, Mr. Sindel.
2 Any other defendant have -- Mr. Lahann?
3 Anybody else have cross-examination of Mr. Lujan?
4 Mr. Burke, do you want to go next?
5 MR. BURKE: Please.
6 THE COURT: All right.
7 Mr. Burke.
8 MR. BURKE: May I approach the witness,
9 Your Honor?
10 THE COURT: You may.
11 CROSS-EXAMINATION
12 BY MR. BURKE:
13 Q. 211. I'm showing you the first Lewis
14 interview. Okay?
15 A. Okay.
16 Q. August 8, 2007?
17 A. Yeah.
18 Q. In this statement, referring to Pancho,
19 you selected Criminal, along with Angel and Joe,
20 correct?
21 A. Yes, sir.
22 Q. You never mentioned Edward Troup?
23 A. No, sir.
24 Q. September 12, 2007, 329. You remember
25 this one, as well?

1 A. Yes, sir.

2 Q. Same group? There's Criminal. That's
3 Michael Jaramillo, right?

4 A. Yes, sir.

5 Q. No Troup?

6 A. Yes, sir.

7 Q. During the September 12th one -- I'm going
8 to just read this: "Copy of photo line-up cards
9 displayed to Leonard Lujan, 9/12 '07."

10 I read that correctly?

11 A. Yes.

12 Q. And you did get shown some photos?

13 A. Yes, sir.

14 Q. And here was one of the photo spreads. Do
15 you recognize anybody there?

16 A. Yeah.

17 Q. Who do you recognize?

18 A. Troup. I can't remember who that is.
19 But, yeah.

20 Q. Okay. And so even though you were shown a
21 picture of Edward Troup on September 12, 2007, you
22 never mentioned his name then, right?

23 A. Yes, sir.

24 Q. Okay. Now, here is June 12, 2009. I've
25 read that date correctly?

1 A. Um-hum.

2 Q. This is an FBI report. And you say,
3 "Lujan then directed Joe, an individual he knows
4 only as Criminal" -- that's Jaramillo?

5 A. Um-hum.

6 Q. -- "and Angel"? Right?

7 A. Yes, sir.

8 Q. No Troup?

9 A. No, sir.

10 Q. Okay. Then we move forward to December 3,
11 2015. I read that date correctly?

12 A. Yes, sir.

13 Q. All right. And then on that date you
14 said, "Lujan selected Angel and Joe." You couldn't
15 remember the full names, right?

16 A. Um-hum.

17 Q. And you didn't mention that time Troup?

18 A. No, sir.

19 Q. And you didn't mention Jaramillo?

20 A. No, sir.

21 Q. Do you know why you didn't mention
22 Jaramillo?

23 A. Just like I've been to so many interviews
24 that -- you know what I mean?

25 Q. Let me see if I can help you. Here is the

1 indictment. You were named in here?

2 A. Yeah.

3 Q. The first five names are Angel, Joe,
4 Edward, you, and Billy, right?

5 A. Yes, sir.

6 Q. But no Jaramillo. That's kind of funny,
7 wasn't it?

8 A. Yes, sir. There is a few people in there
9 that I can't imagine weren't -- should have been in
10 there.

11 Q. Yes, but especially Jaramillo because you
12 had said --

13 A. I had already --

14 Q. What do you think happened there?

15 A. I'm not -- I don't know. I can't tell
16 you.

17 Q. So the Government, when they indicted,
18 they just left Jaramillo out, I guess?

19 A. I guess so.

20 Q. And then so here is the Count 1. You
21 remember this? This is pretty scary stuff,
22 actually, because you've got Angel, you've got Joe,
23 you've got Edward, there you are, and there's Billy,
24 and then they've got the death penalty stuff?

25 A. Yes.

1 Q. Right here. So this is the death penalty
2 indictment originally. But once again, no
3 Jaramillo. Okay? No Troup?

4 A. No. No, sir.

5 Q. Okay. And then this was kind of
6 interesting. Then you had this interview, and it
7 was just before trial, April 8, 2018. Do you
8 remember that?

9 A. Yes, sir.

10 Q. And here's Matthew Beck, and then there is
11 an FBI agent. Oh, by the way, do you see that 302?

12 A. Yes, sir.

13 Q. That's where that 302 comes from.

14 A. Oh, okay. All right. Okay.

15 Q. And then Agent Stemo is on the phone?

16 A. Okay.

17 Q. And your lawyer concurred with the
18 interview.

19 A. Okay.

20 Q. And so you're in a room alone with Matthew
21 Beck, right?

22 A. Yes, sir.

23 Q. And someone is on the phone, but your
24 lawyer is not there, and he's asking you questions?

25 A. Yes, sir.

1 Q. And he's telling you what questions he's
2 going to ask you on the stand?

3 A. Yes, sir.

4 Q. Okay. And then, for the very first time,
5 you say, "Edward Troup and Rick Sandoval, a/k/a
6 Sleepy, were present for the conversation with Joe
7 but were not involved"? Right?

8 A. Yes, sir.

9 Q. Okay. But that was the first time you
10 ever mentioned Edward Troup?

11 A. Yes, because that's when I started
12 remembering because, I mean, it's been a long time,
13 you know?

14 Q. Right.

15 A. I started remembering certain things. And
16 like I said, I didn't tell Troup to do anything, you
17 know. But he knew what was going on, I think. And
18 if I remember, Sleepy was next to me.

19 Q. So what's kind of interesting, though, is
20 that you never mentioned Troup for 17 years?

21 A. Yeah.

22 Q. Seventeen years. And you do have trouble
23 with your memory?

24 A. Yeah, there's some times.

25 Q. Because of drugs and stuff?

1 A. Yeah. I've been on so much psych
2 medications and I hit my head so many times. But it
3 comes and goes. Memory comes and goes, and
4 sometimes, boom, it will just like -- it will --

5 Q. Or you'll just sort of make something up,
6 maybe?

7 A. No, sir.

8 Q. Do you think that it was your antisocial
9 personality disorder that led you to mention Edward
10 Troup for the first time 17 years after the fact?

11 A. No, sir.

12 Q. No?

13 A. No, sir.

14 Q. Let me give you another possibility.
15 Could it have been the \$200 you received on April
16 16, 2018, after we started the trial? Would have
17 been a reason that you might have remembered --

18 A. No, sir.

19 Q. -- Edward Troup for the first time?

20 A. No, sir.

21 Q. Okay.

22 A. Because I've always told my lawyer, from
23 the gate, that I'm not in this for the money. You
24 know, I appreciate the Government helping me and
25 everything, but I'm not in this for the money.

1 Q. And it just so happens they gave you 200
2 bucks after the trial started, just before you
3 testified?

4 A. Right. And that's the thing is, sometimes
5 I'll be laying in bed sometimes, and I'll remember
6 something that -- you know.

7 Q. Sure.

8 A. Just like last night when we left from
9 here, I remembered a couple of names that will come
10 up in the trial, you know.

11 Q. Well, maybe if you get some money, you can
12 tell them.

13 MR. BURKE: That's all I've got.

14 MR. BECK: Objection, Your Honor.

15 THE COURT: Sustained. Let's not comment
16 and make arguments yet. There will be time for that
17 in closing.

18 All right. Thank you, Mr. Burke.

19 Anyone else have cross-examination of
20 Mr. Lujan? All right.

21 Mr. Beck, do you have redirect of
22 Mr. Lujan?

23 MR. BECK: I do, Your Honor. Thank you.

24 THE COURT: Mr. Beck.

25

1 REDIRECT EXAMINATION

2 BY MR. BECK:

3 Q. Mr. Lujan, I've got a lot of notes to go
4 over with you, but I'll start with what's most
5 recent in my memory. April 8, 2018, do you remember
6 meeting with me, with Ms. Stemo on the phone?

7 A. Yes, sir.

8 Q. And I asked you about -- I asked you to --
9 I reviewed one of your transcripts? Did I review
10 one of your transcripts with you?

11 A. Yes, sir.

12 Q. Did I ask you to think hard about what had
13 happened those days, and then we'd talk about --
14 what happened in 2001, and then we'd talk about what
15 we're going to talk about here in trial?

16 A. Yes, sir.

17 MR. SINDEL: Your Honor, I'm going to
18 object to the leading form of the question, that
19 Mr. Beck testified what he did or he said.

20 THE COURT: I think he's sufficiently
21 knowledgeable about the topic, so now that he knows
22 the topic, let's try not to lead.

23 BY MR. BECK:

24 Q. Is that when you told me about the
25 conversation that you had, where Mr. Troup and

1 Sleepy were present, when you talked with Criminal,
2 Angel DeLeon, and Joe Gallegos?

3 A. Yes, sir. That was the first time that I
4 had mentioned either one of those guys. Because I
5 remember at the time that all that was going on,
6 Mr. Troup, he was what we call a leva, and that
7 means that he's not -- a lot of people don't trust
8 him in the organization because of some of the stuff
9 that he was doing at the time. And at the time, he
10 was burning people, and he was just doing dumb stuff
11 and chafa stuff. And I don't know the exact word
12 for chafa. But that was the stuff he was doing, you
13 know, and a lot of people were hesitant to be around
14 him or anything.

15 And I remember at that time Sleepy was
16 doing a transaction with Chris Garcia, and I told
17 Sleepy, because Sleepy didn't really want to go and
18 confront him. And I told Sleepy, "Go tell him. He
19 owes you and everything." So Sleepy went, and
20 Sleepy came back. And at that time, that's when we
21 were talking and everything.

22 And I remember Huero Troup wasn't like
23 sitting right next to Joe. He was like a little bit
24 away from him, you know. He wasn't right-right on
25 him, but he was far enough where he heard what was

1 going on.

2 Q. Did you order Edward Troup to murder Frank
3 Castillo?

4 A. No, sir. Never. I never told Edward
5 Troup to kill anybody, do anything to anybody.

6 Q. And did you just confirm that with
7 Mr. Burke, when all the statements that you've
8 given -- well, I think Mr. Sindel said, and I wrote
9 it down: You said a lot of things, told a lot of
10 people.

11 Have you remained consistent that you
12 never ordered Edward Troup to do the murder?

13 A. Yes, sir.

14 THE COURT: Mr. Beck, would this be a good
15 time for us to talk to the jury about what we're
16 going to do for breaks and lunch?

17 MR. BECK: Fine, Your Honor.

18 THE COURT: What would the jury like to
19 do? Take a 15-minute break? Work through the lunch
20 hour and take a late lunch? How many want to do
21 that? It looks like most people. Does that work
22 for the lawyers? The parties?

23 All right. Let's take about a 15-minute
24 break and we'll come back in, and take a late lunch
25 and work through the lunch hour.

1 All rise.

2 (The jury left the courtroom.)

3 THE COURT: All right. We'll be in recess
4 for about 15 minutes.

5 (The Court stood in recess.)

6 THE COURT: All right. I think we've got
7 all the defendants back in. Who are we missing
8 here? Am I missing somebody? So I think we've got
9 all the defendants and an attorney for each one.

10 Anything we need to discuss before --
11 Mr. Lahann?

12 MR. LAHANN: Your Honor, on the matter of
13 lunches, I do feel compelled to point out that Las
14 Cruces has some of the finest lunch trucks you're
15 going to find in any city. Unfortunately, they
16 start packing up and leaving the Downtown Mall on
17 Wednesdays at about 1:15, 1:30.

18 So we would ask that Wednesdays be an
19 early lunch day so that everybody can take advantage
20 of the lunch trucks.

21 THE COURT: All right. Well, I'll mention
22 that to the jury tomorrow, that we'll break to take
23 advantage of the lunch trucks, take an earlier lunch
24 tomorrow. All right.

25 All rise.

1 (The jury entered the courtroom.)

2 THE COURT: All right. Everyone be
3 seated.

4 All right. Mr. Lujan, I'll remind you
5 that you're still under oath. Mr. Beck, if you wish
6 to continue redirect of Mr. Lujan, you may do so at
7 this time.

8 MR. BECK: Thank you, Your Honor.

9 THE COURT: Mr. Beck.

10 BY MR. BECK:

11 Q. Again, we were talking about Mr. Sindel
12 saying that you said a lot of things that you've
13 told to a lot of people. Have you remained
14 consistent in the statements that you've given to
15 law enforcement?

16 A. Yes, sir. I might have said different
17 words and stuff, but -- I mean, there's words that I
18 know I didn't say because -- I'm intelligent, but
19 I'm not that smart, you know. But I've been pretty
20 consistent with everything I've said. I've never
21 faltered from the truth of anything, you know.

22 Q. And then Mr. Burke -- we were talking
23 about the -- you were talking with him about the
24 December 3, 2015, interview when you said that for
25 Castillo, you told Angel and Joe to do that. Do you

1 remember?

2 A. Yes, sir, and.

3 Q. Do you remember exactly what you were
4 asked and what you were told by law enforcement in
5 that interview?

6 A. When I first -- when they started asking
7 me, I think they were sitting there, and --

8 Q. Hold on one second, Mr. Lujan. My
9 question was: Do you remember exactly word-for-word
10 what was said between you and law enforcement there?

11 A. No.

12 Q. Would looking at a transcript of that
13 conversation help you remember what was said?

14 A. Yes, sir.

15 MR. BECK: May I approach, Your Honor?

16 THE COURT: You may.

17 MR. BECK: I'll direct counsel to page 16
18 of the December 3, 2015, interview. I don't have a
19 copy, so I'm going to go off memory here.

20 BY MR. BECK:

21 Q. I want you to focus on that section that's
22 been highlighted in gray in that transcript that I
23 was provided yesterday.

24 A. Okay.

25 Q. Let me know when you've read that portion.

1 Just look up at me when your memory is refreshed.

2 MR. BURKE: Your Honor, can we approach?

3 THE COURT: You may.

4 (The following proceedings were held at
5 the bench.)

6 MR. BURKE: I could be wrong, but I don't
7 think I've ever received a copy of this transcript.

8 MR. BECK: I don't know whether you have.
9 Mr. Castle just gave it to me last night. Actually,
10 I think it might have been this morning that he gave
11 me a copy of the transcript.

12 MR. BURKE: It's a transcript of what?

13 MR. BECK: I think it's the December 3,
14 2015, interview when he was arrested.

15 MR. CASTLE: What happened was, we had not
16 gotten the December 3, 2015, audiotape until, I
17 think, after trial started and then -- or right
18 before it started, and we had someone try to
19 transcribe it as fast as we could. So I did not
20 distribute a copy to Mr. Burke. I know I should
21 have, but in the chaos, I just did not give it to
22 him. I apologize for that.

23 MR. BURKE: That's not exactly right.
24 This isn't exactly right. I didn't get a transcript
25 from the Government, and I didn't get it from my

1 co-defendant, and now he's being questioned with it.

2 THE COURT: How long is the transcript?

3 MR. CASTLE: I gave him a copy.

4 MR. BURKE: And I would say I would never
5 ask the questions without reading a transcript. I'm
6 diligent to have done that if anybody had provided
7 it to me.

8 THE COURT: How long is the transcript?

9 MR. BECK: I think it's 36 pages. I don't
10 think he's going to be surprised by the questions or
11 the answers. I'm just going over, he didn't say
12 anything about Troup.

13 MR. BURKE: Does he mention him in there?

14 MR. BECK: No.

15 MR. BURKE: Never mind. I was thinking --
16 because if the 302 just left him out, then I would
17 not have asked that question.

18 MR. CASTELLANO: That's why I said I don't
19 think you're going to be surprised.

20 MR. CASTLE: We can do a search of that to
21 you.

22 MR. BURKE: Never mind. At the end, we
23 can make a copy. I'd like to have a look at it at
24 some point.

25 THE COURT: But you're okay right now?

1 MR. BURKE: Yes.

2 (The following proceedings were held in
3 open court.)

4 THE COURT: All right. Mr. Beck.

5 BY MR. BECK:

6 Q. Mr. Lujan, as I said, I'm going off memory
7 here, but did the agent or task force -- well, was
8 it an FBI agent or task force officer who was asking
9 the questions?

10 A. I think it was an agent.

11 Q. Did the agent ask you, when you talked
12 about who you tasked with the Castillo and Garza --
13 or Pancho and Looney -- murders, did he ask you the
14 question in a way that suggested, "Tell me who you
15 tasked with this. I already know, but just go ahead
16 and tell me"?

17 A. No, he didn't tell me exactly like that.
18 He pretty much -- when we talked, he just told me to
19 ask -- to tell him what all went on, and that's when
20 I had told him about taking Little Huero, because we
21 had -- me and Little Huero had the same class
22 together in Education.

23 And I took -- I called Little Huero, and I
24 told him, "Come with me." And I took him to the
25 other side of Education, because in Education there

1 is the hallway here and some of the rooms, and then
2 there's a hallway like this, and then there's rooms
3 in the back, and there's a hallway that goes down
4 there. Nobody goes down there, hardly.

5 Q. And did you explain that to the agent at
6 that time?

7 A. Yes, sir.

8 Q. So my question was: When you looked over
9 this interview, did it coincide with your memory of
10 what happened in 2015?

11 A. Yes, sir.

12 Q. All right. And it looked like a
13 transcript, to you, that had your answers in them?

14 A. Yes, sir.

15 Q. And so the agent asked you, "Who did you
16 have do the hits? I know you gave that already. I
17 just want to match that up with my brain, with what
18 I read?"

19 Is that what the agent said to you?

20 A. Yes, sir, I think he did say that.

21 Q. Okay. And is that when you responded --
22 and, again, you looked at this. If you need it
23 again to refresh your memory, let me know.

24 Is that when you responded by giving the
25 names Huero Martinez and Angel and Joe?

1 A. Yes, sir.

2 Q. Did he ask you -- did he then say, the FBI
3 agent say, "Okay, we have most of this already"?

4 A. Yes, sir, I think he did say that.

5 Q. Did he ask you, "Did you task anyone else?
6 Is there anyone else out there who you tasked?" Or
7 did he move on at that point?

8 A. For Pancho, I had already told -- I had
9 told him that it was --

10 Q. Hold on a minute, Mr. Lujan. I'm getting
11 you there.

12 A. Yeah, I'm getting confused there.

13 Q. No problem. No problem. And as I said,
14 if you need to look at this, let me know, if you
15 need to refresh your memory. But did the FBI agent
16 say, "Okay, yeah, we have most of this already,"
17 instead of asking you if there was anyone else or if
18 you asked anyone else? Is that what the FBI officer
19 asked you?

20 A. Yes, sir.

21 Q. Mr. Burke -- again, I just want to finish
22 up on this, and then we'll go somewhere else.
23 Mr. Burke asked you why not Jaramillo, and I think
24 you said that there were a few people in that 2015
25 indictment that should have been in there, but

1 weren't?

2 A. Yes, sir.

3 Q. What did you mean?

4 A. I meant like Chaparro. I was like: Why
5 wasn't he in there? Because he was a heavy
6 shot-caller, you know. Who else? There was Felipe
7 Cordova. Why wasn't he in there? He was a heavy
8 shot-caller, you know. Who else can I remember
9 right off the top?

10 Q. And let me -- that's fine. So there were
11 a number of those people you thought were involved
12 but weren't on that indictment; is that right?

13 A. They were heavy shot-callers. Why weren't
14 they involved in the indictment?

15 Q. Getting back to you, you were asked a lot
16 of questions about the Animal murder in 1998. Do
17 you remember that?

18 A. Yes, sir.

19 Q. And when were you indicted and arrested
20 for the 1998 murder of Animal?

21 A. The detective came, and he said that they
22 were going to hit me with the charges for the murder
23 and everything, and then he swabbed me. And that's
24 when I told Jason Ellis, "You know what? Take me
25 back to my cell."

1 Q. And I think we heard about that. What
2 year was that?

3 A. This was in, I'd say, either late '98,
4 early '99.

5 Q. All right. When were you actually,
6 then -- my question was: When were you actually
7 indicted for the Animal murder?

8 A. I think in '99.

9 Q. When did you plead guilty to the Animal
10 murder?

11 A. In '99. Because if my memory serves me
12 correct, that's when they took me, in '99, that's
13 when they took me to RDC, which is in Los Lunas.

14 Q. Let me ask you the question this way:
15 Remember when, just a few minutes ago and with me on
16 direct, you were talking about getting 15 years for
17 the Animal murder?

18 A. Yes, sir.

19 Q. And when was that, that you got 15 years
20 for the Animal murder?

21 A. I got that in either early '99 or late
22 '98, if I remember correct.

23 Q. Was there a judgment and sentence for
24 Animal?

25 A. I've never seen a judgment and sentence.

1 Q. You don't remember seeing one yesterday?

2 A. I've never seen one, not even in the
3 tablet.

4 Q. If you saw one, would that help refresh
5 your recollection when you were indicted and pled
6 guilty?

7 A. It probably would help me, but I've never
8 seen the actual -- until the attorney came and
9 showed me, you know.

10 MR. BECK: May I have a moment, Your
11 Honor?

12 THE COURT: You may.

13 MR. BECK: May we have Exhibit 97, page
14 8537. 95. Sorry. I can't even read my own
15 handwriting.

16 BY MR. BECK:

17 Q. All right. Mr. Lujan, this is your pen
18 pack. We looked at it briefly yesterday on direct
19 examination.

20 A. Yes, sir, I remember seeing that
21 yesterday.

22 Q. Okay. And do you recognize this as the
23 judgment, sentence, and commitment in September of
24 2007 with Troy Davis and Troy Prichard there?

25 A. Yes, sir. Yeah, that's the paper I had,

1 my legal stuff.

2 Q. And is that when you pled guilty to the
3 murder of Animal?

4 A. Yes, sir.

5 Q. Does this refresh your recollection as to
6 when you were indicted and then pled guilty to the
7 murder of Animal?

8 A. I think prior to this, I think maybe two,
9 two-and-a-half months prior to this, I was indicted.

10 Q. Okay. So was 2007 the first time you were
11 indicted for Animal?

12 A. Yes, sir.

13 Q. And I think you talked about Frederico
14 Munoz, and that was part of the reason you believed
15 you were indicted and found guilty of Animal?

16 A. Yes, sir.

17 Q. Why is that?

18 A. Because at the North facility, it was
19 rumored already that he was talking. And then I
20 think it was Julian Romero --

21 MR. SINDEL: Your Honor, that's hearsay.

22 THE COURT: Are you trying to solicit
23 this?

24 MR. BECK: I'm not offering it for the
25 truth of the matter asserted, Your Honor. I'm

1 offering it for his state of mind.

2 THE COURT: Well, why is that important?
3 Maybe you need to approach and tell me why that's
4 important.

5 MR. BECK: Sure. If we may approach, I
6 can tell you why it's important.

7 THE COURT: Okay.

8 (The following proceedings were held at
9 the bench.)

10 MR. BECK: Your Honor, it's important
11 because the reason that Leonard Lujan was indicted
12 and pled guilty was because there was a cooperator
13 in the case, Frederico Munoz, which was the reason
14 he pled guilty. So the reason that there may have
15 been people left off of the indictment, or on the
16 indictment, that he didn't know about is because we
17 have cooperators in this case.

18 So it's important to bring out that that's
19 the reason he was found guilty, that's the reason
20 he's pled guilty, that's reason he never named Huero
21 Troup, that's the reason that Troup was named for
22 the first time in this indictment.

23 THE COURT: Well, I guess I'm -- what is
24 this rumor that Munoz was talking about Julian
25 Romero? What is that?

1 MR. BECK: I wish I knew.

2 THE COURT: What testimony -- can we give
3 a limiting instruction on the fact that there is a
4 rumor; they can't consider it for the truth, just
5 the impact it had on Mr. Lujan's decision?

6 MR. SINDEL: I mean, it's fairly
7 incredulous, first of all, that he never saw the
8 police reports in connection with this case, because
9 there is a number of people who come in cooperating
10 against him, and Munoz is not one of them. But
11 there is Mark Lugo and other people who eventually
12 will be discovered.

13 But I don't know if that's an objection.

14 THE COURT: Let me give the limiting
15 instruction. And why don't you lead him so we don't
16 get into the Julian Romero and --

17 MR. CASTLE: I think all he has to ask is:
18 Did you think that Mr. Munoz was informing on you?

19 That's his state of mind. Does he not
20 know of it? It's also based on hearsay. I think we
21 are contesting that that was his state of mind, Your
22 Honor, because Mr. Munoz made a very public plea on
23 May 4, 2007, in which he said he would refuse to
24 identify his co-conspirators, so that will be a
25 contested fact in this trial.

1 And so I don't believe getting in evidence
2 as to what he thought is admissible under the rules
3 of evidence.

4 MR. SINDEL: In fact, Mr. Munoz
5 specifically testified, "It was me, and me alone,
6 who designed and carried out this plan, and no one
7 else participated."

8 THE COURT: Well, I think that's going to
9 require me to make a factual determination and weigh
10 the evidence. I'll give a limiting instruction;
11 tell the jury not to consider it for the truth; they
12 can only consider it for why Mr. Lujan did what he
13 did.

14 (The following proceedings were held in
15 open court.)

16 THE COURT: All right. I'm going to allow
17 Mr. Lujan to testify as to any rumor about
18 Mr. Frederico Munoz, but you cannot consider it for
19 the truth of the matter, whether Mr. Frederico
20 Munoz, whatever he's going to say the rumor was.
21 But you can consider it for the impact that it had
22 on Mr. Lujan as to why he made certain decisions,
23 such as his decision to plead.

24 So you can only consider it for that
25 limited purpose, and not for the purpose of the

1 truth of the matter.

2 Mr. Beck.

3 BY MR. BECK:

4 Q. Mr. Lujan, I was asking you: Was one of
5 the reasons that you pled guilty and you believe you
6 were indicted in 2007 because there was a rumor that
7 Frederico Munoz was cooperating with law
8 enforcement?

9 A. Yes, sir. And then --

10 Q. All right. Hold on one second. Just
11 listen to the question. Before that time, to your
12 knowledge, had there been anyone else cooperating
13 with law enforcement on the Animal murder?

14 A. No, not that I -- not to my knowledge, no.

15 Q. Was Frederico Munoz one of only three
16 people in the cell with Animal when you all murdered
17 him?

18 A. Yes, sir.

19 Q. Did you think that would be damaging
20 testimony against you?

21 A. Yes, sir.

22 Q. And is that why in 2007, having never
23 before been indicted in the nine years since that
24 murder, you pled guilty?

25 A. Yes, sir.

1 Q. In your opinion, could Mr. Munoz,
2 Frederico Munoz, corroborate other witnesses or
3 other evidence that you had been in that cell
4 murdering Animal?

5 A. Yes, sir.

6 Q. I want to go back and talk to you about a
7 few of the things you discussed with Mr. Castle last
8 night and this morning.

9 A. Okay.

10 Q. He discussed with you, I think, a
11 statement. Well, let me see; I might have written
12 it down. I think he went back over it this morning.
13 Yeah, it was on the PowerPoint he had this morning.

14 I think on June 20, 2007, this is when you
15 got back into MDC and Mr. Billy Garcia showed up.
16 Do you remember that?

17 A. Yes, sir.

18 Q. Mr. Castle asked you about a statement
19 that you wanted to know -- you told others in the
20 pod that you wanted to know what was going on before
21 you made any decisions?

22 A. Yes, sir.

23 Q. And what was that about?

24 A. What happened is, I was already living in
25 Seg 4 at MDC. I was already living there. And what

1 happened is, all of a sudden Billy Garcia comes from
2 Seg 3 and moves into Seg 4, and they put him on the
3 long top tier. And most of us that were SNMers were
4 living on the two bottom -- the top tier and the
5 bottom. There was only six on top, six on bottom,
6 and that's usually where STIU would put us, right
7 there in those cells. And they put Billy in the
8 long top tier.

9 So, you know, I'd say about maybe 10
10 minutes later, a kite goes under the door, and it's
11 addressed to me. And the kite says that Billy had
12 PC'd. And I told Speedy and them right away, I told
13 them, "Hey, you don't treat the viejo any different.
14 You don't treat him any different until we know
15 what's going on."

16 And that's all that was ever said. I
17 never said anything else.

18 Q. Why did you think that they may treat him
19 different?

20 A. Because once there is a kite like that,
21 and the way they put him on the long tier. On that
22 long tier was guys that were PC and that were
23 neutral and stuff like that. And --

24 Q. Let me ask you, what does PC mean?

25 A. Protective custody.

1 Q. And what happens if an SNM member goes
2 into PC? What's the SNM rule about what SNM members
3 are supposed to do?

4 A. Oh, that's an automatic green light.
5 That's an automatic green light.

6 Q. So why were you telling other SNM members
7 to wait until you find out what's going on in
8 relation to Billy Garcia?

9 A. Because I was real close with Billy. I
10 wasn't going to move on Billy, you know.

11 Q. Did you think other SNM members were going
12 to move on Billy?

13 A. Yeah. That's why I told them, "Until we
14 know what's going on, you treat him the same."

15 Q. Did you think it was because he was
16 cooperating on the Felix Animal Martinez murder?

17 A. No, I didn't know exactly what was going
18 on there. Because at that time, that's when we were
19 fighting. We were fighting. Well, Billy was
20 fighting for power against Gerald Archuleta.

21 Q. And which side of that did you fall on?

22 A. I fell with Billy. I was there with Billy
23 the whole time, the viejo all the time. You know, I
24 was by his side the whole time. I never turned away
25 from him, nothing.

1 Q. I want to press you a little bit on this.
2 Was Billy Garcia in the cell with you, with Animal
3 Martinez?

4 A. No. No, sir.

5 Q. Did he order the Animal Martinez murder?

6 A. No, sir.

7 Q. Are those two of the reasons that you
8 might not have been worried about him cooperating
9 with law enforcement?

10 A. Yes, sir. Well, I've known Billy for a
11 lot of years, and I knew he wasn't going to be doing
12 something like that.

13 Q. We talked about statements, the lots of
14 statements that you've given over the years to law
15 enforcement. What have you said about being Billy's
16 right-hand man in all those statements?

17 A. I've always -- I've always said the same
18 thing. I was his right-hand man, and I would have
19 done anything he ever asked me to do. And that's
20 just the way it was. Whoever was holding the llaves
21 like that, whoever was running the show at that
22 time, that's who you fell under, you know.

23 And if you were his right-hand man, that
24 means you're tight with him. You're going to sit
25 there and make sure that everything is running okay

1 and making sure that nobody is going to override his
2 authority.

3 Q. Mr. Castle asked you about whether you
4 were the only one who knew that Mr. Garza and
5 Mr. Castillo could be murdered in the exact same way
6 that you and Frederico Munoz murdered Animal. Do
7 you remember that questioning?

8 A. I remember him asking the question, and if
9 I remember, I told him that there was other people
10 that knew about it.

11 Q. Did you instruct or tell Huero Martinez
12 and Angel DeLeon and Joe Gallegos and Criminal
13 exactly how to murder -- exactly how to murder Frank
14 Castillo and Rolando Garza in the exact same way
15 that you murdered Animal?

16 A. I told them -- I told them that because
17 that's how Billy wanted it done, the viejo, Billy
18 Garcia, wanted it done that way.

19 Q. I'm going to show you what's been admitted
20 as Government's Exhibit 133. Do you recognize this
21 as a picture of Frank Castillo or Pancho?

22 A. Yes, sir.

23 Q. Do you see there is a mesh bag or a
24 laundry bag over his neck there?

25 A. Yes.

1 Q. Did you strangle Animal with a mesh
2 laundry bag?

3 A. No, sir.

4 Q. And so when Mr. Castle asked you if you
5 were the only one who knew they could do it in the
6 exact same way, was it done in the exact same way as
7 you murdered Animal?

8 A. No, sir.

9 Q. How did you and Mr. Munoz murder Animal?

10 A. With a rope. Frederico Munoz made a rope
11 out of the sheet, and that's how it was done.

12 Q. Did he braid the sheet together to make
13 that rope?

14 A. Yes, sir, just like braiding hair.

15 Q. Mr. Castle asked you about getting the
16 feds involved, and I think this was in relation to
17 the August 2007 interview. Do you remember the
18 questions about that?

19 A. Yes, sir.

20 Q. In the August 2007 interview, do you
21 remember if you were the first one who talked about
22 it, or if the APD agent or the attorney was the
23 first one?

24 A. I think it was me and the APD agent. Me
25 and him are the ones that talked in the first

1 interview and stuff. And if I remember --

2 Q. Would it help refresh your memory to look
3 at a transcript of that 2007 interview?

4 A. Sure. Excuse me that my nose is all
5 stuffy. I have a head cold.

6 Q. I'm going to direct your attention to
7 Bates No. 212. It's the August 8, 2007, interview.
8 What I want you to do, Mr. Lujan, is go ahead and
9 read this.

10 There's not a lot, but go ahead and read
11 where it says "Okay" on that page down to the
12 bottom.

13 A. Okay.

14 Q. Don't read it out loud. Just go ahead and
15 read it to yourself.

16 A. I thought you wanted me to read it out
17 loud.

18 Q. Sorry?

19 A. It's okay. Sorry about that.

20 Q. And look up at me when your memory is
21 refreshed whether it was you or someone else who
22 first mentioned federal involvement.

23 A. Okay. That's -- I'll wait till you get
24 there.

25 Q. So in this August 8, 2007, interview was

1 it you or someone asking questions who first
2 mentioned federal involvement?

3 A. Yes, sir.

4 Q. Who was it? You or someone else?

5 A. It was the APD officer, I think.

6 Q. And to be fair, does he say in here that
7 last time that you had talked, you had mentioned
8 federal involvement?

9 A. Yes, sir.

10 Q. And why does he say that last time you
11 talked, you mentioned federal involvement?

12 A. Because I was --

13 MR. CASTLE: Calls for speculation, Your
14 Honor.

15 THE COURT: Overruled.

16 Q. Let me ask you a better question. Why
17 does he say in this interview that you had mentioned
18 federal involvement?

19 A. Because I was worried pretty much about my
20 girlfriend at the time, because she was pregnant,
21 and I knew -- I knew that once I started talking,
22 that there was going to be a green light on me. And
23 I was worried about my girlfriend, and she was
24 pregnant from my son, you know.

25 Q. Mr. Lujan, who had put the green light on

1 you?

2 A. Any SNM member would have hit me if they
3 had the opportunity.

4 Q. And you read over this transcript just
5 now, at least the page that I showed you, right?

6 A. Yes, sir.

7 Q. And you've read over this transcript
8 before?

9 A. Yes, sir.

10 Q. It's accurate as far as your recollection
11 of what happened?

12 A. Yes, sir.

13 Q. And isn't it true that Richard Lujan -- or
14 excuse me. Sorry, Mr. Lujan. Rich Lewis, the APD
15 officer, says, "Um, I know last time you talked
16 about federal involvement and going into the Witness
17 Security Program"?

18 A. Yes, sir.

19 Q. Is that why you talked about getting the
20 federal government involved?

21 A. Yes, sir.

22 Q. Mr. Castle asked you if you knew if it was
23 Angel Munoz who ordered the murders, yesterday. Do
24 you remember that?

25 A. Yes, sir.

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1 Q. Do you remember that you told him you
2 didn't know that?

3 A. I might have mistaken it. But it was when
4 we were in Milan. He ordered Playboy, and Playboy
5 involved me with the murder, you know. But Angel
6 didn't give me the direct order.

7 Q. I think we're getting confused on murders
8 here.

9 A. Okay.

10 Q. He asked you if you knew that Angel Munoz
11 order the murders of Frank Castillo and Rolando
12 Garza?

13 A. No, I remember him asking me that
14 yesterday, and I told him no, I didn't know anything
15 about that.

16 Q. Who was the first person who told you
17 about the Frank Castillo and Rolando Garza murders?

18 A. The ones that had ordered it. The first
19 time I had even heard of them getting hit was, it
20 came from Billy Garcia. He was the one that wanted
21 it done.

22 Q. I think he also asked you a question about
23 it being the first time, yesterday in court during
24 your direct testimony, it being the first time that
25 you said anything about Mr. Billy Garcia talking

1 about murdering other people in March 2001. Do you
2 remember that question by him?

3 A. Yes, sir.

4 Q. And let me ask you, have you mentioned
5 that before?

6 A. Yes, sir, I have.

7 Q. Do you remember exactly what you said
8 about it in the August 2007 interview with Rich
9 Lewis?

10 A. If I remember correctly, I said that when
11 Billy first got there and everything, and got into
12 the pod and everything, he had wanted -- because
13 there was a lot of guys on the line at the time, a
14 lot of SNMers that weren't no good, and he wanted
15 all of them to be hit at one time, bumped. And then
16 he changed his mind and turned around and
17 concentrated on Pancho and Looney, on Frank Castillo
18 and Garza, you know?

19 So he turned around and changed his mind
20 because he said he wanted us -- he wanted our
21 backyard to be clean.

22 Q. And so, let me come back to that.

23 So you did -- maybe not in those same
24 words, but you did say on August 7, 2007, in the
25 first interview with police, that Billy Garcia

1 wanted other people hit?

2 A. Yes.

3 Q. But then went to Frank Castillo and
4 Rolando Garza?

5 A. Yes, sir.

6 Q. Was your next interview with law
7 enforcement in September of 2007?

8 A. Yes, I believe so.

9 Q. And in that September 2007 interview, did
10 you again tell law enforcement that there was
11 supposed to be hits on quite a few of them on that
12 same day, but for some odd reason Wild Bill wanted
13 just them two done first?

14 A. Yes, sir.

15 Q. And I think we talked about this earlier,
16 and you talked with Mr. Castle, that interview
17 included State Police officer -- State Police agent
18 Norman Rhoades. Do you remember that?

19 A. Yes, sir, I remember the name.

20 Q. All right. And was he at that first
21 August 2007 interview?

22 A. I think he was. I'm not too -- no, I
23 don't think he was. I think he was at the other
24 one.

25 Q. And is that why there was another

1 interview just a month after the August 2007
2 interview, so that Mr. Rhoades could be there?

3 MR. SINDEL: Your Honor, objection.

4 A. Yes, sir. I think that's the one that
5 took --

6 THE COURT: Hold on just a second.

7 MR. BECK: One second.

8 THE WITNESS: Sorry about that.

9 MR. SINDEL: What's the foundation for
10 this?

11 THE COURT: Why don't you lay some
12 foundation for that.

13 BY MR. BECK:

14 Q. Why did you have another interview,
15 another recorded interview, just one month after the
16 August 8, 2007, interview?

17 A. When I had that interview, that's when the
18 District Attorney -- I think Troy Davis -- wanted to
19 give me a deal. If I gave information, that he
20 wouldn't go seek the death penalty or a life
21 sentence on me, and he would give me a deal for the
22 15 years?

23 And if I'm correct, that conversation
24 was -- it took place in Judge Murdock's conference
25 room, in his chambers.

1 Q. Sure. So I think you answered this, but
2 was Norman Rhoades at the first interview in August
3 of 2007?

4 A. Yes, sir.

5 Q. All right. And you've looked over this
6 August 2007 interview a number of times, right?

7 A. Yes, sir.

8 Q. And it's accurate to that interview?

9 A. Yes, sir.

10 Q. And I'm going to show you that interview,
11 and tell me if you see Norman Rhoades' name in that
12 interview.

13 A. Okay.

14 MR. SINDEL: Are you going to show the
15 entire interview?

16 THE COURT: Are you showing him the entire
17 interview?

18 MR. BECK: Yes. I handed him the
19 transcript.

20 BY MR. BECK:

21 Q. Mr. Lujan, in looking over that transcript
22 in August of 2007, on the first page it spells out a
23 couple of people's names, doesn't it?

24 A. Yes, sir.

25 Q. Whose names does it spell out?

1 A. It says Rich Lewis. Me.

2 Q. It also has Troy Davis' name spelled out
3 on the first page?

4 A. Yes, sir, it does.

5 Q. Then elsewhere, are those names marked by
6 "LL," "TD," and "TL"?

7 A. Yes. Troy Davis' name? "LL"? Because
8 when we go further down I see where it says "LL,"
9 and then "RL," and then it says -- those are
10 punctuation marks or question marks or something.

11 Q. So does it say -- does it have
12 abbreviations for anyone except for you, "LL"; Rich
13 Lewis, "RL"; and Troy Davis, "TD"?

14 A. That's it.

15 Q. So does that refresh your recollection
16 whether Mr. Rhoades was at that first interview?

17 A. I don't think he was.

18 Q. All right.

19 A. I don't think he was there.

20 Q. And I'm handing you the September 12,
21 2007, interview which starts on page 329. Now, does
22 that look the same? It spells out the names of who
23 is talking?

24 A. It looks the same. And right away, you
25 see Norman Rhoades' name on it.

1 Q. So Norman Rhoades was at the second
2 interview?

3 A. Yes, sir.

4 Q. But he was not at the first?

5 A. No, sir.

6 Q. Do you know that Norman Rhoades was the
7 lead State Police agent for the Frank Castillo
8 murder?

9 A. No, I'm not sure. He identified himself
10 as a State Police, but maybe I wasn't paying
11 attention the right way. But I didn't know if he
12 had -- for the Frank Castillo murder. I wasn't
13 paying attention on that part.

14 Q. All right. So do you remember that --
15 well, I already asked you about other people.

16 Do you remember that in this September 12,
17 2007, interview -- let me ask you a question:

18 With Norman Rhoades there, this interview
19 focused primarily, if not solely, on the 2001
20 murders? Do you remember that?

21 A. If I am correct, is that the one that took
22 place in Los Lunas?

23 Q. In Albuquerque.

24 A. In Albuquerque? Okay, I remember. Well,
25 there was a third one there. What was the question

1 again? I don't want to get too confused.

2 Q. The question was: Do you remember that
3 this interview with Agent Rhoades focused almost
4 primarily, if not solely, on the 2001 murders?

5 A. Yes, sir, I remember.

6 MR. SINDEL: Objection to leading.

7 A. There was one interview, before I had went
8 back into prison and everything. And if I remember
9 correctly, there was an interview where it was
10 solely talking about -- we were just talking about
11 the murders right here in Southern.

12 Q. Do you remember talking with Mr. Sindel a
13 moment ago about Joe Gallegos and you thought there
14 was a green light on him?

15 A. Yes, sir.

16 Q. Do you remember talking about -- and he
17 asked you about a torpedo. Do you remember that?

18 A. Yes, sir. He asked me -- he said a
19 different word; then he said "torpedo" afterwards.

20 Q. Right. And do you remember talking in
21 this September 2007 interview about why you chose
22 Criminal, Angel DeLeon, and Joe Gallegos?

23 A. Yes, sir.

24 Q. And do you remember exactly what you said
25 in that interview?

1 A. I said there was Joe Gallegos and his
2 brother, Frankie. I think that's what I said. I
3 told them that there was paperwork or something on
4 them from back when they were younger, and that they
5 had to earn their bones and, you know, they had
6 green lights on them, if I remember correctly.

7 Q. Did you say that, "It was Criminal and
8 Angel, were two of them. There was Gallegos. They
9 were going to get hit, but the thing was, that's the
10 only way they could stop theirs"?

11 A. Yeah. That's the only way they could stop
12 that green light, you know. They were going to get
13 a pass if they would have taken care of what they're
14 going to do.

15 Q. Is that true in the SNM, that if someone
16 has a hit on them, or a green light, they can then
17 go and put in work and that green light may be taken
18 off?

19 A. Yes, sir. There is times where -- there
20 is times where you could -- you could get a pass.
21 And there are some times that they wouldn't let you
22 have a pass. They would make you think you're
23 getting a pass.

24 Q. And you talked about there being paperwork
25 on -- there being paperwork on Joe Gallegos and his

1 brother, Frankie. Do you remember that?

2 A. Yes, sir.

3 Q. Did you actually say that on page 279 in
4 the August 2007 first interview?

5 A. I believe so, yes, sir.

6 Q. Do you remember exactly what you said
7 about Mr. Joe Gallegos and his brother, Frankie G,
8 in 2007? Or do you not remember?

9 A. I remember.

10 Q. It's a "Yes" or "No" question, Mr. Lujan.
11 Do you remember exactly what you said? Or would
12 looking at the transcript help refresh your memory?

13 A. Let me see the transcript, please.

14 Q. Sure.

15 MR. BECK: May I approach, Your Honor?

16 THE COURT: You may.

17 Q. I'm going to show you Bates No. 274
18 through 275.

19 A. Okay. I think that's the part where I'm
20 talking about the heroin thing. Let me see. Yeah,
21 this is.

22 Q. All right. Let me ask you a couple of
23 questions about that, Mr. Lujan. Did it start with
24 Rich Lewis asking you, "Concerning Mr. Castillo, who
25 did you speak about that?" Is that how it started?

1 A. Yes, sir. And --

2 Q. Okay. And hold on. Let me ask you the
3 next question. Again talking about SNM members, did
4 you talk to them and know them by their full first
5 and last name, or by the name that they went by in
6 the gang?

7 A. Some by their full name, some by
8 nicknames.

9 Q. How did you know Mr. Joe Gallegos? By
10 Joe?

11 A. By his full name.

12 Q. Okay. Did you know him as Joe or Joe
13 Gallegos?

14 A. We usually called him Joe.

15 Q. So after Mr. Lewis asked you, "Concerning
16 Mr. Gallegos" -- or excuse me.

17 A. Excuse me?

18 Q. I got confused. Sorry.

19 A. I'm all stuffy.

20 Q. That's all right. After Mr. Lewis asked
21 you, "Okay, concerning Mr. Castillo, who did you
22 speak to about that?" did you say --

23 MR. SINDEL: Well, Your Honor, he's
24 reading from a transcript which this individual he
25 said, "Would it refresh your recollection?" Reading

1 from it does not refresh his recollection. It tells
2 him what he wants him to say.

3 Objection to the leading form of the
4 question and suggesting in the question exactly what
5 is the testimony he's trying to elicit.

6 MR. BECK: I'm impeaching what he said
7 here because I'm not offering it for the truth. I'm
8 offering it because it's not correct.

9 THE COURT: Well, I don't think you can
10 lead anyway. So sustain the objection.

11 MR. BECK: Okay.

12 BY MR. BECK:

13 Q. When he said, "Concerning Mr. Castillo,
14 who did you speak to about that?" what did you say?

15 A. When I first started talking about what
16 was going on, I might have got the name wrong, but I
17 know it was Joe Gallegos, you know.

18 Q. Sure. Let me ask you this question,
19 Mr. Lujan: Is that transcript in front of you a
20 record on a matter that you once knew about, but now
21 cannot recall exactly what you said in that
22 interview accurately?

23 A. Yes, sir.

24 Q. And was it made or adopted by you on that
25 last page where it says it's -- go ahead and look at

1 that last page.

2 A. Yeah.

3 Q. Go ahead. And the very last page of the
4 document, not the page that I showed you, the very
5 last paper of the document --

6 A. I'll get there.

7 MR. BENJAMIN: What was the page again?

8 A. All right. Are you saying 301?

9 Q. Is that the very last page of the
10 document?

11 A. I think so.

12 Q. I don't have it in front of me. Do you
13 see that there is a certification on the last page
14 of the document?

15 A. Are you sure it's 301?

16 Q. I don't think it is 301.

17 A. The last page. Oh, okay.

18 Q. So at the time or near the time when this
19 was fresh in your memory, this transcript, did you
20 adopt it by reading through it and saying it was
21 accurate?

22 A. Yes, sir.

23 MR. SINDEL: Your Honor, I'm going to
24 object. The certification doesn't have his
25 signature on it. It is the signature of the person

1 who prepared the transcript. And there is nothing
2 to indicate that he reviewed it for accuracy, other
3 than the sheer statement by Mr. Beck.

4 THE COURT: Well, I think the question is
5 asking whether he did review it at the time, so let
6 him ask the foundational question.

7 MR. SINDEL: I'd like foundation, when,
8 where.

9 THE COURT: All right.

10 BY MR. BECK:

11 Q. And when you adopted this by reading
12 through it, you did that, right?

13 A. Yes, sir.

14 Q. And you've read through it again since
15 that time?

16 A. Yes, sir.

17 Q. And does it accurately reflect your
18 knowledge when it was recorded in 2007?

19 A. Yes, sir.

20 MR. SINDEL: Your Honor, I'm going to
21 object to it accurately reflects his knowledge. It
22 only reflects his words.

23 THE COURT: Well, that may be the case,
24 but I am not sure that's quite the distinction for
25 the evidentiary rule. Overruled.

1 MR. BECK: Your Honor, at this time the
2 United States moves to admit under Rule 803(5), as a
3 recorded recollection, the August 8, 2007 interview.

4 THE COURT: Well, it doesn't permit it to
5 be admitted by the Government. It can be admitted
6 by the defendants, but not by the Government.

7 MR. BECK: Right. It may be read into
8 evidence.

9 THE COURT: So that's the way it works.

10 MR. BECK: Right.

11 BY MR. BECK:

12 Q. Now, going back to the question that I
13 asked you, after Rich Lewis asked you, "Concerning
14 Mr. Castillo, who did you speak to about that?" how
15 did you answer him? Did you answer him, "I talked
16 to Joe, Joe Castillo, Joe Castillo from Belen"?

17 A. Yes, sir. I might have. Yes, sir, I
18 think that's what I said exactly.

19 Q. Okay. Did you say, "Criminal. I don't
20 know his real name, but his name is Criminal"?

21 A. Yes, sir, I did.

22 Q. And then, "Angel, a little dark-complected
23 guy"?

24 A. Yes, sir.

25 Q. "Those three. I talked to all three of

1 them in front of, at the time, K units, in front of
2 the K units right there." Is that what you said?

3 A. Yes, sir.

4 Q. All right. Then going down, continuing,
5 you talk about, "And me and Castillo had the
6 discussion. Me and Castillo had the discussion that
7 he wanted him to -- he had told me, well, he does
8 not want us to give him a hotshot or what, and I
9 told him, no, no, no." Did you say that?

10 A. Yes, sir.

11 Q. And then going down, Mr. Lewis asked you,
12 "So you spoke to all three. This Joe, are you sure
13 the last name Castillo"?

14 MR. SINDEL: Your Honor, I'm going to
15 object. I still don't believe that Mr. Beck can
16 read from this particular document unless he's been
17 able to establish that this individual, Mr. Lujan,
18 doesn't remember what he said.

19 THE COURT: No, I think we have to take it
20 a question at a time. You're going to have to
21 establish that he cannot testify today fully and
22 accurately about these events. So I think you're
23 going to have to do it a question at a time.

24 MR. BECK: Okay.

25

1 BY MR. BECK:

2 Q. Did Mr. Lewis ask you then: You spoke to
3 all three. Joe. Are you sure his last name is
4 Castillo? Do you remember that?

5 A. Yes, sir. And at the time, I --

6 Q. Hold on. Hold on. In response to that,
7 did you tell Mr. Lewis that the person whom you
8 were referring to as Joe Castillo had a brother,
9 Frankie G?

10 MR. SINDEL: Again, Your Honor --

11 A. Yes, sir.

12 MR. SINDEL: -- he hasn't asked him
13 whether he --

14 THE COURT: Are you reading from a
15 transcript now?

16 MR. BECK: I'm not. I just asked him if,
17 in response that, he said that the person he was
18 referring to is Joe Castillo.

19 THE COURT: These are just general
20 questions now. Overruled.

21 BY MR. BECK:

22 A. Yes, sir, I asked him that.

23 Q. And did you identify this person whom you
24 were referring to as Joe Castillo as someone who had
25 been busted in Los Lunas?

1 A. Yes, sir.

2 Q. All right. And did you say further -- did
3 you say to him that there were three Castillo
4 brothers?

5 MR. SINDEL: I think the question is,
6 "What did you say to him about the Castillo
7 brothers?" Not "Did you say this?"

8 THE COURT: I think it's the same
9 objection you raised, Mr. Beck, so I think you just
10 need to ask him what his knowledge is, and not have
11 him talk about statements out-of-court. So
12 sustained.

13 BY MR. BECK:

14 Q. Do you remember if you told him that there
15 were three Castillo brothers?

16 A. Yes, sir.

17 Q. And what did you tell him?

18 A. I told him, when I told him all this, I
19 might have got the name wrong of the Joe. But I
20 knew it was them from Belen. I knew it was all
21 three brothers from Belen because that's where
22 they're from, and they're from East Side Locos, and
23 they were pushing all the dope and everything right
24 there and stuff, you know.

25 Q. Okay. So the person that you may have

1 mistakenly called Joe Castillo was, if I have this
2 right, someone from Belen who has three brothers,
3 including Frankie G?

4 A. Yes, sir.

5 Q. And that they were pushing dope in Belen?

6 A. Yes, sir.

7 Q. And is that the same person who you
8 identified yesterday as Joe Gallegos, here in court?

9 A. Yes, sir.

10 Q. Mr. Castle asked you about a report from
11 January 23, 2009, with the FBI. I think you said in
12 this report this was the first time that you
13 identified Casey and Jeremiah Baca as being involved
14 in the murders. Do you remember that question?

15 A. On that interview, Jeremiah Baca, he
16 wasn't no part of none of those things.

17 Q. Do you remember Mr. Castle asking you
18 about that?

19 A. Yes. Yeah, I think it was yesterday that
20 he asked.

21 Q. And do you remember exactly what was shown
22 to you in that 302?

23 A. He showed me a transcript, but I don't
24 know exactly what it said that I had stated.

25 Q. Mr. Lujan, would it refresh your

1 recollection of what was in that 302 if I showed it
2 to you?

3 A. Yeah.

4 Q. I'm going to approach with the 2009 302
5 that was -- I think it's page 686. I don't have
6 Bates numbers.

7 MR. BECK: May I approach, Your Honor?

8 THE COURT: You may.

9 Q. I'm going to direct your attention to
10 these middle two paragraphs here.

11 A. Okay.

12 Q. Why don't you read over those and go ahead
13 and look up at me.

14 A. Okay.

15 Q. Mr. Lujan, do you remember Mr. Castle
16 asking you about how this was the first time you
17 talked about Casey and Jeremiah Baca and Sleepy
18 being involved in the murders?

19 A. Yes, sir.

20 Q. And in those reports, did you talk about
21 Casey and Sleepy being involved in the murders?

22 A. No, sir.

23 Q. Did you talk about Casey and Sleepy being
24 the backup team?

25 A. Yes, sir.

1 Q. And is that what we talked about yesterday
2 on direct?

3 A. Yes, sir.

4 Q. Did you also talk about the backup team in
5 the August of 2007 interview and the September of
6 2007 interview?

7 A. Yes.

8 Q. Did you also talk about it in the 2014
9 interview with Jack Burkhead?

10 A. Yes, sir, I believe so.

11 Q. Did you also in those -- well, let me ask
12 you: In that report, does it identify Casey as
13 "Casey"? Or does it identify as "Casey, last name
14 unknown, possibly Sleepy"?

15 A. Casey -- if I remember correctly, Casey is
16 Gerald Archuleta's nephew.

17 Q. And how is it identified in that report?

18 A. It says "Casey." It just says "Casey."
19 That's all, from what I can see. Let me go over it.
20 Okay. "Casey, last name unknown."

21 Q. Then when it gets to Jeremiah Baca, how
22 does it identify him in that?

23 A. Jeremiah Baca is Criminal, and that's the
24 wrong name.

25 Q. Does it say "Jeremiah Baca, a/k/a

1 Criminal"?

2 A. Yes, sir.

3 Q. So the person identified as Jeremiah Baca,
4 is it safe to say in that report it's actually
5 identified as "Jeremiah Baca, a/k/a Criminal"?

6 A. Yes, sir.

7 Q. And who were you referring to as being
8 involved in that murder when Mr. Castle asked you
9 about it?

10 A. Just Criminal.

11 Q. And so it wasn't yesterday in court was
12 the first time that you talked about the backup
13 teams? Just so we're clear, those are in almost
14 every one of these statements; is that right?

15 A. Yes, sir.

16 Q. Mr. Castle went through a list of your
17 murders with you last night. Do you remember that?
18 Excuse me. I think he referred to them as
19 "murders," but they were murders and assaults; is
20 that right?

21 A. Yes, sir.

22 Q. And the first one he talked about with you
23 was the first person, a white boy who was drowning
24 in their own blood. Do you remember that?

25 A. Yes, sir.

1 Q. Who was that?

2 A. I don't remember his name or nothing, but
3 I know we were there at the South facility, and
4 that's when Mario Montoya approached me and asked me
5 to give this carnal esquina, who was Rubin Hinjosa,
6 at the time, because I was the only one that lived
7 in there.

8 Q. Let me ask you about that. Is Mario
9 Montoya an SNM member?

10 A. Yes, sir.

11 Q. Is Rubin Hinjosa an SNM member?

12 A. Yes, sir.

13 Q. Was that an SNM hit?

14 A. Yes, sir.

15 Q. He then asked you about the Texas
16 syndicate guy. Do you remember that?

17 A. Yes, sir.

18 Q. Do you remember him asking about 300
19 stitches?

20 A. Yes, sir.

21 Q. Did you assault him with the end of a
22 broomstick, causing 300 stitches, because he was a
23 rival gang member of the SNM?

24 A. Yes, sir.

25 Q. He asked you about in 1999 and an assault

1 of Dominic. Do you remember that?

2 A. Yes, sir.

3 Q. And this was -- he asked you if this was
4 an inmate you were extorting for drugs. Do you
5 remember that?

6 A. I wasn't extorting him.

7 Q. And do you remember him asking you that
8 question?

9 A. Yes, sir.

10 Q. Did you participate in this hit, in this
11 assault, with a man named John Martinez, Speedy?

12 A. Yes, sir.

13 Q. Was he an SNM member?

14 A. Yes, sir.

15 Q. Was this an SNM hit?

16 A. Yeah -- no.

17 Q. It was not?

18 A. No, it wasn't an SNM hit. What happened
19 is, I was there on the blue side, and Smurf, Leroy
20 Lucero, was on the green, they were in the green
21 suits. And he was calling the shots on the RDC
22 side, and I was calling the shots. And Dominic, the
23 one that we assaulted that day, I had approached him
24 earlier in the day and told him that if he could
25 front me three papers of heroin. And he told me he

1 didn't have none. He said he was out, you know. So
2 I took it -- I told him, "All right, that's cool,"
3 you know. But later on that evening for dinner, he
4 was out passing heroin to everybody, you know,
5 giving papers to everybody. So I took that as a
6 disrespect towards me, you know.

7 So what I did is, I didn't even tell
8 Sleepy. Sleepy just came with me, and I took off
9 walking to Dominic's unit. And I walked in there,
10 and he was already sitting at the table, playing
11 cards and playing poker and stuff. And I told him,
12 "Hey, go to your cell right away," you know? So he
13 goes to his cell.

14 And when he goes to his cell, all of a
15 sudden Speedy punches him and he falls on the bed.
16 When he falls on the bed, I gave him a little few
17 hits too. And somehow he got turned around, and
18 Speedy pulled down his pants, and I was holding him
19 down. And Speedy pulled down his pants and stuck
20 his finger in -- excuse my language and
21 everything -- stuck his finger in his asshole to see
22 if the heroin was in his asshole. And it wasn't.

23 So we started taking off his shoes and
24 everything, and sure enough, the syringe and some
25 heroin was in his shoe. And so we let him get

1 dressed and everything. And he had two gold chains,
2 and I told him to give me those gold chains, you
3 know. So I took his gold chains from him.

4 And after that, I sat there and I did a
5 shot of heroin and Speedy done a shot of heroin, and
6 we left the cottage right there, and we gave the
7 cottage to Dominic and left him with his syringe and
8 everything. But I took his chains and everything
9 and I told him, "Don't ever lie to me again."

10 But it wasn't an SNM hit. It was just --

11 Q. Let me ask you about that. Speedy. He
12 was also an SNM member?

13 A. Yes, sir.

14 Q. Does the SNM extort other inmates out of
15 drugs if they bring them in?

16 A. Yes, sir.

17 Q. Was Dominic an SNM member?

18 A. No, sir. He was from the Los Padilla
19 rival gang.

20 Q. And did you and Speedy, SNM members,
21 extort Dominic out of drugs and his gold chains that
22 day?

23 A. Yes, sir.

24 Q. And so did Dominic also disrespect you by
25 not giving you heroin and telling you that he did

1 not have it?

2 A. Yes, sir.

3 Q. And after that, that was when you and
4 another SNM member then went and assaulted him?

5 A. Yes, sir.

6 Q. Does the SNM, in your opinion, look
7 favorably upon inmates that are violent?

8 A. Yes, sir. The stronger you are and the
9 more down you are -- it's called "down" to do
10 anything, the more you'll do anything, then those
11 are the ones they're looking at to bring into the
12 organization.

13 Q. Does "do anything" include assaulting
14 other inmates if they disrespect you?

15 A. Yes, sir.

16 Q. Does "do anything" include assaulting
17 anyone who disrespects you?

18 A. Yes, sir. Not family members.

19 Q. Not family?

20 A. Not kids or anything like that, women or
21 --

22 Q. Other gang members?

23 A. Other gang members and -- you know.

24 Q. Drug dealers?

25 A. Yeah, drug dealers, things like that.

1 Q. So would someone who has more violent
2 assaults and more violent murders in their history
3 be looked upon more highly in the SNM?

4 A. Yes, sir.

5 Q. Is that how someone may become a leader,
6 or I think you said a high member of the S?

7 A. Yes, sir. You get more respect. You get
8 more respect, and people look more up to you and
9 stuff like that. And if you're there -- if you're
10 there at any facility or whatever, then if you're
11 there, then the other guys will fall under you, and
12 whatever you ask them to do, they'll go and do.

13 Q. Mr. Castle, in that discussion, also asked
14 you about being a pistolero or an armed bodyguard in
15 2005, 2006. Do you remember that?

16 A. Yes, sir.

17 Q. And were you and Mario Montoya the two
18 armed bodyguards for this drug dealer?

19 A. Yes.

20 Q. Did you get into a gun fight, as the armed
21 bodyguards?

22 A. No, sir.

23 Q. Okay. Was Mario Montoya also an SNM
24 member?

25 A. Yes, sir.

1 Q. For Animal, he asked you about that. Do
2 you remember that, the Animal murder?

3 A. Yes, sir.

4 Q. Was that an SNM murder?

5 A. Yes, sir.

6 Q. And I think last he asked you about the
7 two murders in 2001, Garza and Castillo. Do you
8 remember that?

9 A. Yes, sir.

10 Q. Were those SNM murders?

11 A. Yes, sir.

12 Q. He asked about a letter that you testified
13 about having in 2014. Do you remember that? A
14 letter that you said -- I think you thought the
15 United States said it wasn't going to prosecute you.
16 Do you remember that?

17 A. Yes, sir.

18 Q. And do you have that letter today?

19 A. No, sir, I don't.

20 Q. Did you -- do you remember when Mr. Castle
21 showed you a number of times the 2014 letter or
22 report with an Assistant U.S. Attorney named Jack
23 Burkhead?

24 A. I think I remember seeing that, and I
25 think that's the one that Daniel Tallon showed me,

1 because he had came, Mr. Tallon came. He was my
2 attorney at the time. He came to the North facility
3 because he had been representing me for a few months
4 already, and he came to the North facility, and he
5 had shown me a piece of paper. And I don't remember
6 if I signed it or if he gave me a copy or what, but
7 --

8 Q. Hold on one second. So you remember that
9 report?

10 A. Yeah.

11 Q. Would it refresh your memory to take a
12 look at it?

13 A. Yes, sir.

14 Q. I'm going to approach you with the 2014
15 report that starts at Bates 684. I think one of the
16 attorneys, Mr. Burke, showed you why it's called a
17 302. Do you see "302" up in the corner of that
18 document?

19 A. Yes, sir.

20 Q. Does that start off with listing who was
21 there, including you? Is your name on there?

22 A. Yes, sir.

23 Q. And the United States Attorney, Assistant
24 U.S. Attorney, Jack Burkhead? Do you see that on
25 there?

1 A. Yes, sir.

2 Q. And a Federal Public Defender or Jason
3 Bowles? Do you see that on there?

4 A. Yes, sir.

5 Q. What date was that?

6 A. The date was 4/17/2014.

7 Q. So that was in 2014?

8 A. Yes, sir.

9 Q. I'm going to approach you with another
10 report that they showed you from 2017. I don't have
11 the Bates numbers in front of me.

12 MR. CASTLE: Your Honor, I'm going to
13 object. I don't believe there has been a foundation
14 that they've show him this report.

15 Q. Did Mr. Castle show you that 2014 report
16 from Mr. Burkhead?

17 A. Yes. I think -- I believe I have seen
18 this.

19 Q. Okay.

20 MR. CASTLE: I thought you were referring
21 to the FBI.

22 MR. BECK: That's all right. Sorry.

23 Q. And I'm going to approach you with the
24 report. I don't have the Bates No., but it's the
25 January 5, 2017, interview that Mr. Castle showed

1 you earlier this morning.

2 A. It --

3 Q. Hold on just a second, Mr. Lujan. Did
4 Mr. Castle show you that 2017 interview this
5 morning?

6 A. I believe so, yes, sir.

7 Q. And is that another document that in the
8 corner says "FD-302"?

9 A. Yes, sir, it does.

10 Q. Does the first paragraph appear the same
11 as the other 302 report you just saw, in that it has
12 the date of the interview and who was present?

13 A. Yes, sir.

14 Q. And does that include for those who were
15 present, your attorney, Mr. Clark?

16 A. Yes, sir.

17 Q. And does it include Assistant U.S.
18 Attorneys, I think maybe myself and Mr. Castellano?

19 A. Yes, sir.

20 Q. What was the date of that interview?

21 A. January 13, 2017.

22 Q. I think the date --

23 A. Oh, the date of the interview was January
24 5, 2017.

25 Q. You spoke earlier about not agreeing to

1 testify, and then later agreeing to testify in this
2 case. Do you remember that?

3 A. Yes, sir.

4 Q. And was it around the beginning of January
5 2017 when you changed your mind from not agreeing to
6 testify, to agreeing to testify in this case?

7 A. Yes, sir.

8 Q. I'm going to approach you now with a
9 document. It's a letter from the United States
10 Department of Justice to your attorney. It says,
11 "Terms of agreement of debriefings of Leonard
12 Lujan." It's Bates No. 61798. It's a Kastigar
13 letter.

14 Mr. Lujan, on the second page of that
15 document, on the back there, does your signature
16 appear on that page?

17 A. Yes, sir, it does.

18 Q. And is Mr. Clark's signature also there?

19 A. Yes, sir.

20 Q. And is Mr. Castellano's signature also
21 there as the Assistant United States Attorney?

22 A. Yes, sir.

23 Q. And what's the date on the front of that
24 document?

25 A. January 3, 2017.

1 Q. Is that two days before your January 5,
2 2017, interview?

3 A. Yes, sir, it is.

4 Q. I'm going to have you read over the second
5 paragraph in that document.

6 A. Okay.

7 Q. Look up at me once you're done.

8 A. Okay.

9 Q. So in that letter from the FBI, what does
10 it say about the terms of your debriefings with the
11 United States Government, the FBI, and our office?

12 A. It said it won't be used against me.

13 Q. And that letter, is that letter from the
14 federal government to you?

15 A. Yes, sir.

16 Q. Was that provided to you just two days
17 before this 2017 report you just looked at?

18 A. Yes, sir.

19 Q. And do you remember that in 2014 you
20 interviewed with another Assistant U.S. Attorney,
21 Jack Burkhead, and an FBI agent in 2014?

22 A. Yes, sir.

23 Q. And you were talking about a letter in
24 2014 that said the United States wasn't going to
25 pursue its case against you. Is this something like

1 that letter you just saw from 2017 you were thinking
2 of?

3 A. Yes, sir. And if I may be correct on it,
4 I'm not sure if it was the U.S. Attorney or if it
5 was the District Attorneys that weren't going to
6 prosecute me, but Daniel Tallon told me that they
7 weren't going to prosecute me; but later on down the
8 road, if they wanted to, they could.

9 Q. But in 2014 when you thought you had that
10 letter, you did interview or debrief with an FBI
11 agent and U.S. Attorney?

12 A. Yes, sir.

13 Q. Do you remember a lot of attorneys asking
14 you about your medical records?

15 A. I've got a lot of attorneys asked me a
16 bunch of stuff already. But, yeah, it's been a lot
17 of my medical record.

18 Q. Do you remember questions from Mr. Castle
19 and Mr. Sindel about presenting as a victim of
20 circumstances?

21 A. I believe so.

22 Q. And rationalizing offense and denying
23 guilt from it?

24 A. Yes, sir.

25 Q. For the Felix Animal Martinez murder, were

1 you ordered to participate in that murder?

2 A. Yes, sir, through Frederico Munoz and
3 Angel Munoz, is the one that gave the order.

4 Q. How about in 2001, with the Frank Castillo
5 and Rolando Garza murders?

6 A. Yes, sir, through Billy Garcia.

7 Q. To be fair, as a good SNM member, did you
8 want to participate in those murders?

9 A. Yes, sir. I was just following what I had
10 to do.

11 MR. SINDEL: Objection, Your Honor.

12 THE COURT: Hold on. Hold on, Mr. Lujan.

13 MR. SINDEL: First of all, self-serving.
14 And second of all, Mr. Beck keeps using the phrase
15 "to be fair." I think he can ask questions without
16 characterizing what he thinks he's doing.

17 THE COURT: Let's eliminate that phrase.
18 Sustained.

19 BY MR. BECK:

20 Q. Did you also want to participate in the
21 murders?

22 A. In the murders, it was -- you had to. If
23 you didn't do it, then you were going to be the one
24 greenlighted, if that's a good answer, the proper
25 answer, you know.

1 Q. As an SNM member, did you want to put in
2 work for the SNM?

3 A. Yeah. Yes, sir.

4 Q. Is that one of the reasons you
5 participated in it?

6 A. Yes, sir.

7 Q. Mr. Solis and Mr. Castle discussed about
8 some things about antisocial personality disorder.
9 Do you remember that?

10 A. Yes.

11 Q. And that you don't have remorse for your
12 actions?

13 A. Yes, sir.

14 Q. Do you have remorse?

15 A. Yes, sir.

16 Q. At a court proceeding in March of 2017
17 when you pled guilty in this case, did you apologize
18 to Mr. Frank Castillo's sister about his murder?

19 A. Yes, sir.

20 Q. I'm sorry? I didn't hear that.

21 A. Yes, sir.

22 Q. Mr. Sindel asked you a couple of questions
23 about your previous statements to law enforcement.
24 Do you remember those questions?

25 A. Yes, sir.

1 Q. And he played a recording of your March
2 2007 interview with the State Police?

3 A. Yes, sir.

4 Q. Do you remember that?

5 A. Yes, sir.

6 Q. Were you truthful with police during that
7 interview, fully truthful?

8 A. Yes, sir. When I gave that interview, I
9 was kind of like shaky with Freddie Munoz and then
10 Manuel Benito because the detectives kept -- I was
11 living in --

12 Q. Hold on, Mr. Lujan. Let me ask you a
13 question. In that recording that we listened to,
14 where you said you didn't know anything about Felix
15 Martinez's murder, was that truthful?

16 A. No.

17 Q. And then Mr. Sindel asked you about later
18 on in some of these interviews, you said you had to
19 know -- get something in writing. Do you remember
20 that?

21 A. Yes, sir.

22 Q. And that you had to give them something
23 big to get out of or to get a better deal in the
24 Felix Martinez murder. Do you remember that?

25 A. Yes, sir.

1 Q. And after that, after you talked about
2 that, did you then provide them the information
3 about the 2001 murders?

4 A. Yes, sir.

5 Q. Is that where you started being
6 consistent, even though you've told a lot of people
7 a lot of things, where you started being consistent
8 about who participated in those?

9 A. Yes, sir.

10 Q. Did you do that and want the deal so that
11 you could get out of prison at some point, instead
12 of living the rest of your life in prison or
13 possibly being put to death?

14 A. Yes, sir.

15 Q. Is that why you kept asking to have
16 something in writing?

17 A. It was for that, and my girlfriend.
18 Because I was worried about her because she was
19 pregnant at the time.

20 Q. You did -- you did -- you were asking for
21 a deal other than spending your life in prison?

22 A. Yes, sir.

23 Q. Mr. Sindel asked you about this case, and
24 he asked you -- I wrote this down, "If you perform
25 to the United States' satisfaction to get that

1 motion today, could you get out of prison earlier?"

2 Do you remember that question from him?

3 A. I remember that earlier.

4 Q. And what's your understanding about the
5 possibility of not -- well, let me ask you this
6 question first: As we sit here today, what sentence
7 are you facing?

8 A. A life sentence.

9 Q. Is that mandatory?

10 A. Yes, sir.

11 Q. In the federal system, does that mean
12 there is no possibility of parole?

13 A. Yes, sir.

14 Q. And when Mr. Sindel asked about performing
15 to get a motion, to your understanding did he mean
16 what we're calling a 5K motion?

17 A. I understand what a 5K is, but I really
18 don't -- really, not all the way, you now. I've
19 talked about it with my attorney a few times but,
20 you know, I still have a hard time understanding it.

21 Q. May I have Exhibit 98, please?

22 Mr. Lujan, is this your plea agreement
23 with the United States for this case?

24 A. Yes, sir, it is.

25 Q. All right. And then if we go to the next

1 page, please. And does this reflect what you and I
2 just talked about, that right now you face a
3 mandatory life imprisonment sentence?

4 A. Yes, sir.

5 Q. If we can go to the next exhibit, Exhibit
6 99, please. To the next page, please.

7 Here in paragraph 6, is this, "The United
8 States may move, pursuant to 5K1.1, to have the
9 Court depart downward," is that what we've all been
10 referring to, is that 5K motion?

11 A. Yes, sir.

12 Q. And is that the only possibility you have
13 of not serving the rest of your life in prison?

14 A. Yes, sir.

15 Q. If we can go to the previous page.
16 Paragraph 2 in this document, Mr. Lujan, read
17 through that and look up at me when you're done.

18 A. Okay.

19 Q. Do you understand that if you don't abide
20 by that paragraph, that the United States can
21 rescind the plea agreement entirely or institute
22 proceedings against you?

23 A. Yes, sir.

24 Q. And what does that paragraph require of
25 you to perform to the United States' satisfaction to

1 get that motion? What does that paragraph require
2 of you?

3 A. To give truthful information and not to
4 falsely accuse anybody of anything or anything like
5 that, or you guys will proceed with -- throw away
6 the plea bargain.

7 MR. BECK: No further questions, Your
8 Honor.

9 THE COURT: Thank you, Mr. Beck.
10 Anything else from anyone?

11 MR. SINDEL: I do.

12 THE COURT: Go ahead, Mr. Sindel.

13 MR. SINDEL: I think Mr. Castle would --

14 THE COURT: All right. Mr. Castle.

15 RE CROSS-EXAMINATION

16 BY MR. CASTLE:

17 Q. Mr. Lujan, you've talked about this backup
18 team; isn't that right?

19 A. Yes, sir.

20 Q. Okay.

21 MR. CASTLE: I'm going to move for the
22 admission of Exhibits BV-1 and BV-2, which are
23 inmate population reports at the Southern New Mexico
24 Correctional Facility for March 25th and March 26th.
25 They are Bates pages 21535, it starts there for

1 BV-1; and 21550 for BV-2.

2 MR. BECK: Objection to hearsay.

3 THE COURT: Why don't you approach.

4 (The following proceedings were held at
5 the bench.)

6 THE COURT: How are these different from
7 reports we've had earlier?

8 MR. CASTLE: These show all the inmates
9 that were in the facility on those dates. I can
10 enter them at this point in time under conditional
11 admission, and I will call the Department of
12 Corrections official we've endorsed the custodian to
13 get these documents in. These are part of
14 discovery, and I do not believe -- they are
15 regularly kept, and under 803, I believe (6) or (8)
16 and I can't remember which one -- that the
17 Government has a legitimate argument that these are
18 not accurate.

19 MR. BECK: I mean, if Mr. Castle thinks
20 they'll be authenticated, then I think conditional
21 admission it fine.

22 THE COURT: All right.

23 (The following proceedings were held in
24 open court.)

25 THE COURT: All right. So the Court is

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1 going to conditionally admit these. We may need a
2 person from the Corrections Department later to lay
3 the foundation, but for the present time they'll be
4 conditionally admitted as BV-1 and BV-2 in evidence.

5 (Defendants' Exhibits BV-1 and BV-2
6 conditionally admitted.)

7 THE COURT: Mr. Castle, can we take the
8 lunch break at this point?

9 MR. CASTLE: I think the Court knows that
10 I never want to miss that.

11 THE COURT: All right. We'll be in recess
12 for about an hour.

13 (The jury left the courtroom.)

14 THE COURT: All right. We'll be in recess
15 for about an hour.

16 (The Court stood in recess.)

17 THE COURT: All right. It looks like
18 everybody is back, all the defendants are back,
19 everybody has a lawyer. I think we're a little
20 short on jurors, so we don't have all our jurors
21 back.

22 Is there anything we need to discuss
23 before we bring the jurors in? Mr. Castle?

24 MR. CASTLE: Your Honor, there was a -- I
25 don't remember the motion number, but it was

1 concerning some mental health records of other
2 witnesses, and the Court -- we did an order to show
3 cause, and then some lawyers have not objected and
4 some have objected. We were wondering if the Court
5 could perhaps put that on the top of one of its
6 lists?

7 THE COURT: What do I do with that? I
8 mean, I'm not sure what I do. Do you?

9 MR. CASTLE: We're going to ask the Court
10 to order it. Because the inmates were told that
11 HIPAA doesn't apply. I think we put that law in our
12 motion. And it does apply. And so we're asking
13 that those materials be disclosed and that that be
14 done under the same protection order that we had
15 before.

16 THE COURT: All right. Let me try to move
17 it up.

18 MR. CASTLE: Okay. Thank you.

19 THE COURT: Anything else?

20 Mr. Benjamin, did you want to say anything
21 this morning?

22 MR. BENJAMIN: Yes, Your Honor. I
23 apologize that I wasn't here.

24 THE COURT: No, that's fine. If you want
25 to use this time to put anything on the record,

1 you're welcome to do so.

2 MR. BENJAMIN: Your Honor, I didn't know
3 if the Court -- Mr. Burke and I yesterday tried to
4 make a record regarding what we would have done
5 differently in opening. I don't know if the
6 Court -- I guess I just have that desire, and it's
7 at the Court's convenience.

8 THE COURT: Well, go ahead while we're
9 waiting for the jury.

10 MR. BENJAMIN: If I can grab my notes,
11 Your Honor?

12 THE COURT: Okay. I guess the scenario
13 that I keep envisioning, though, is if the
14 Government had put Mr. Jaramillo on the "may call"
15 list and you still didn't know what he was going to
16 say, why you would have changed anything.

17 MR. BENJAMIN: Your Honor, I think
18 Mr. Lujan is probably the perfect example. He's on
19 the stand, but I will use him by way of example. In
20 opening statement, Mr. Castle used a letter from him
21 and then contrasted that as to what he expected the
22 evidence to show.

23 Regarding Mr. Joe Gallegos, the Court
24 noticed that I led with a 911 call. This was a 911
25 call that the defense had obtained, and it was not

1 obtained by the Government. In my estimation, going
2 into this trial, the most dangerous count for
3 Mr. Joe Gallegos was Count 16, and that references
4 Count 13. And so I led with that information
5 because that was what I wanted to have first and
6 foremost in the jury's mind. Had I had
7 Mr. Jaramillo alive and in play, I think I would --

8 THE COURT: But given that -- well, let's
9 you and I talk about this when we have a little more
10 time.

11 MR. BENJAMIN: Yes, Your Honor.

12 THE COURT: All rise.

13 (The jury entered the courtroom.)

14 THE COURT: All right. Mr. Lujan, I'll
15 remind you that you're still under oath.

16 THE WITNESS: Okay.

17 THE COURT: Mr. Castle, if you wish to
18 continue your recross, you may do so at this time.

19 MR. CASTLE: Thank you.

20 THE COURT: Mr. Castle.

21 MR. CASTLE: May I approach the witness,
22 Your Honor?

23 THE COURT: You may.

24 BY MR. CASTLE:

25 Q. Mr. Lujan, I'm going to show you an

1 exhibit that has been conditionally admitted as
2 BV-1. Do you see this as the inmate population
3 report for the Southern New Mexico Correctional
4 Facility?

5 A. Yes, sir.

6 Q. And it's total inmate population as of
7 March 25, 2001. Do you see that?

8 A. Yes, sir.

9 Q. And then also, BV-2 is the same kind of
10 report, but it's for March 26, 2001. Do you see
11 that?

12 A. Yes, sir. It's a little blurry.

13 Q. Okay. You have that.

14 A. No, these ones are -- these are discards.
15 And you're saying --

16 Q. Well, these reports are done in
17 alphabetical order; is that right? Is that what it
18 looks like?

19 A. Yes, sir.

20 Q. You indicated earlier that the third
21 squad, or whatever you call it, the backup squad of
22 people were people you enlisted from your own pod.
23 Do you recall saying that?

24 A. Yes, sir.

25 Q. Now, your pod -- let's take a look for

1 your name. The Bates No. is BV-1, starting at
2 21535; and BV-2 is starting at 21550. Your pod was
3 5-BB, is that right? That's where your name is,
4 right here, 5-BB?

5 A. Yeah. And I think that I was in blue pod.

6 Q. Okay. Now, we're going to go through.
7 What I've done is highlighted it for you so we can
8 do it easily.

9 A. Okay.

10 Q. The names of the people that were in 5-BB
11 pod. One of the first people is Mr. Garcia, Billy
12 Garcia, right? He was in your pod?

13 A. Yes, sir.

14 Q. Let's go through and see who they are.
15 Well, we'll do March 25th first. March 26th. I'm
16 sorry. Stop me when you see one highlighted.

17 A. Right there.

18 Q. Okay. The first person is Jamie Cortez;
19 is that right? Or Jaime Cortez?

20 A. Jaime, yeah. That's what we called him,
21 Jaime.

22 Q. Reno Curtis was in their cell block?

23 A. Um-hum.

24 Q. Billy Garcia?

25 A. Um-hum.

1 Q. Marvin Harper; Theodore Hernandez; Flavio
2 Jaramillo, correct?

3 A. I think that's --

4 Q. Well, is that Theodore? I'm just pointing
5 out the names, sir.

6 A. That's Smurf.

7 Q. Oh, that's now Smurf? Theodore Hernandez
8 is now Smurf?

9 A. I don't remember. Because I think that's
10 Smurf.

11 Q. Okay. You told us before it was Daniel
12 Archuleta.

13 A. Huh? No. Because seeing it, I told you
14 he was from Anthony, New Mexico. I didn't tell you
15 who he was. I guess you said Smurf.

16 Q. Okay. Well, let's keep going. Martin
17 Ludie. And there's your name?

18 A. Yes.

19 Q. Then there's Carlos Mirabal?

20 A. Yes, sir.

21 Q. Ernie Montoya; Edward Perales; Carl
22 Sanchez?

23 A. Yes, sir.

24 Q. Timothy Thyberg; Patrick Vigil; David
25 Vigil; and Frank Llanes?

1 A. Okay.

2 Q. Nobody changed in and out of your pod
3 between the two dates, between the 25th and the
4 26th?

5 A. No.

6 Q. Okay. Now --

7 A. I'm not aware that anybody changed out of
8 that pod.

9 Q. Now, you said earlier that Daniel
10 Archuleta was one of the people in the hit squad.
11 Can you see that there is no Daniel Archuleta at all
12 in Southern New Mexico Correctional Facility during
13 these dates?

14 A. I was -- I might have been a little
15 confused with the name, but I --

16 Q. I'm just asking you --

17 A. But I also mentioned Anthony.

18 Q. Sir, hold on. The question was --

19 A. I said Anthony, New Mexico.

20 Q. Sir, the question was: Was there a Daniel
21 Archuleta in there? Take a look. I'll leave these
22 with you. Is there a Daniel Archuleta in there?

23 While you're looking, why don't you look
24 for Jeremiah Baca and Samuel Gonzales.

25 A. Jeremiah Baca wasn't living with us at the

1 time.

2 Q. Okay. Would I be correct -- first of all,
3 that's a roster of everybody at Southern, not just
4 in your pod?

5 A. Yeah.

6 Q. No Samuel Gonzalez, no Daniel Archuleta,
7 and no Jeremiah Baca, correct? "Yes" or "No"?

8 A. Yes, sir.

9 Q. Right. None of those three people in the
10 second document either, right?

11 A. No, sir.

12 Q. Now, Mr. Beck, I think, corrected me when
13 he said that you hadn't said that Jeremiah Baca was
14 involved in the murder, but you've said that
15 Mr. Jeremiah Baca was supposed to be one of the
16 people who was the backup crew?

17 A. Yes, sir.

18 Q. Now, we heard a few minutes ago that if
19 you told something in court that wasn't true, that
20 you would lose your 5K chance at a reduced sentence.
21 Do you remember that?

22 A. Yes, sir.

23 Q. And if you blame somebody for something
24 they didn't do, you'd lose that, right?

25 A. Yes, sir.

1 Q. Now, you've told them in the past that
2 Jeremiah Baca was part of the backup crew, right?

3 A. Yes, sir.

4 Q. And after you told them that, did they
5 withdraw the 5K part of your plea agreement?

6 A. I'm not aware of that.

7 Q. And you said Mr. Baca was in your unit,
8 your pod?

9 A. I never said that.

10 Q. Well, you said the backup crew was picked
11 from your pod?

12 A. Yeah, but I didn't say the whole backup
13 crew was picked from my pod.

14 Q. Now, you said -- I think it was just a
15 misstatement, but there was a question about whether
16 you had talked to me last night. You didn't talk to
17 me last night. I've never met you outside the
18 courtroom, right?

19 A. No, we talked yesterday.

20 Q. There were some questions about this long
21 top tier that Mr. Garcia was on, right?

22 A. Yes, sir.

23 Q. That's the PC, right? Protective custody
24 area?

25 A. It's for PCs and people that are neutral,

1 they ain't no -- they're no longer members of any
2 gangs or anything like that.

3 Q. So dropouts?

4 A. Yeah.

5 Q. So you've told us time and time again that
6 you were ordered to kill Animal and you were ordered
7 to do the 2001 or orchestrate the 2001 murders, and
8 that you did it because if you didn't do it, you'd
9 be killed. Do you remember saying that?

10 A. Yeah, anybody in SNM if they didn't do
11 something.

12 Q. Well, there is always an option, sir.
13 There was always an option of you to go to PC,
14 protective custody, correct? "Yes" or "No"?

15 A. Yeah.

16 Q. And you could have gone into the dropout
17 program, correct?

18 A. Yes, sir.

19 Q. So you made an independent choice to not
20 go into PC or the dropout program; but to instead
21 commit murder. Correct or incorrect?

22 A. I guess if that's what -- how you want to
23 receive it, you know, if you want to say it like
24 that.

25 Q. That was your choice, right?

1 A. My choice was to follow an order that was
2 given to me.

3 Q. When you were just questioned, you were
4 questioned a number of times about how every time
5 you've made a statement, you've been consistent. Do
6 you remember those questions? Ever since August of
7 2007?

8 A. Yes, sir.

9 Q. And I think one example they gave you was,
10 you've always consistently said that you were Mr.
11 Garcia's right-hand man. Do you remember that?
12 That was the example they used?

13 A. Sure. To that effect, yes, sir.

14 Q. Okay. Let's go through your statements
15 real quickly, if we can. The first one is on August
16 8th. And I'm going to search for "right-hand," and
17 let's see if you said it to anybody. You said
18 Freddie Munoz was Angel's right-hand man during that
19 interview, correct?

20 A. I might have said that, but that was
21 probably --

22 Q. Well, did you say that or not?

23 A. I meant to say probably Gerald Archuleta
24 because that's who Frederico Munoz was.

25 Q. Okay. Let's just go through and see if

1 you said that you were Mr. Garcia's right-hand man.
2 I'm just going to keep going. Tell me when you're
3 finished. You don't have to say it out loud. Just
4 read it.

5 So nowhere in that interview do you say
6 you were Billy Garcia's right-hand man, do you?

7 A. Probably not in the first one.

8 Q. Let's go to the second one. The second
9 one was on September 11th, and I believe that was
10 with -- I'm sorry. That's a different one.
11 September 11th. I'm sorry. September 12th. Let's
12 look for "right-hand" in that one again. It doesn't
13 show it? It doesn't come up at all, right? You
14 didn't say it that day, either?

15 A. No.

16 Q. Let's go on. The next time you talked was
17 November 12th of 2007. Let's see if you said
18 "right-hand man," you were his right-hand man in
19 there. It didn't show up there, either, did it?

20 A. No.

21 Q. Let's go to October 12th. No, I'm sorry.
22 That's not a report. Well, you talked lots of
23 times, right?

24 A. Yes, sir.

25 Q. It wasn't until very recently that you

1 said you were his right-hand man, correct? "Yes" or
2 "No"?

3 A. If I'm correct, I think it was in, I
4 think, the 2014 interview, somewhere around there
5 that I said that.

6 Q. So that's when you first said it?

7 A. I think.

8 Q. You have a very good memory on that part.
9 You brought that up for the first time in 2014?

10 A. I believe so.

11 Q. So when you told the Government, when they
12 used that as an example, saying you were always
13 consistent, that's not true? The first time you
14 brought that up was 2014; is that right?

15 A. Yes, sir.

16 Q. And that was in that interview with the
17 U.S. Attorney, correct?

18 A. Yes, sir.

19 Q. Now, you've told us today and yesterday
20 that you went to court numerous times or several
21 times on your -- on the Animal murder, and you were
22 going back and forth several times before you
23 actually made your statement; is that right?

24 A. Before I took the plea bargain?

25 Q. Yeah.

1 A. Yeah.

2 Q. Actually, let me show you a document.

3 It's RV-3.

4 MR. CASTLE: I'm moving for its admission.

5 I've given it -- I think the Government is not

6 objecting.

7 MR. BECK: What is it?

8 MR. CASTLE: Oh, it's BV.

9 BY MR. CASTLE:

10 Q. Let me show you a copy of the Court file,

11 BV-3. Why don't you look through this. I'll point

12 out some dates.

13 A. Can you slow down?

14 Q. Yes. No worries. Take your time. Why

15 don't you go through it.

16 A. These are dates I went to court?

17 Q. Just take a look.

18 A. This is what --

19 Q. Let's talk about this for a second, okay?

20 A. Okay.

21 Q. Actually, the first time you went to court

22 on this was September 13, 2007, about a month after

23 you made your statement to the police; September

24 13th, where you were charged by information with

25 second-degree murder. Do you see that?

1 A. Yes, sir.

2 Q. And you worked on the agreement to do
3 that; is that right?

4 A. Prior to that, I had went to court I think
5 about two or three times prior to any of this.

6 Q. You went to court on a case that didn't
7 exist prior?

8 A. When I went to court, they always canceled
9 the courts.

10 Q. Okay.

11 A. When I would go, they would cancel it on
12 me.

13 Q. What happened here is, you had an
14 agreement to second-degree murder; is that correct?

15 A. Yeah.

16 Q. On September 14th. But then you backed
17 out of it because the deal wasn't good enough for
18 you. And the next day, the District Attorney's
19 Office went in and they upped the charge to
20 first-degree murder. Do you see that? September
21 14th, they upped it to first-degree murder? Do you
22 see that?

23 A. Um-hum.

24 Q. And then you finally worked out a deal
25 five days later, again to second-degree murder; is

1 that right?

2 A. Yes, sir.

3 Q. And we've talked about the 15 years, but I
4 want to talk about something that you haven't talked
5 about, nor have you indicated. You actually worked
6 out a deal where those 15 years would be concurrent
7 to two other convictions you were currently serving,
8 06-CR-5126 and 07-01016. Do you see that?

9 A. Yes, sir.

10 Q. Those were two other cases you were
11 convicted of. And so what does "concurrent" mean?

12 A. They're running together.

13 Q. So how many years were you serving on
14 those cases?

15 A. I don't quite remember exactly. I
16 think -- if I were correct, I think they're the ones
17 that I was doing the nine years for and the eight
18 years habitual.

19 Q. Okay. So in essence, your murder sentence
20 was much lower than even the 15, because you were
21 already serving a nine-year sentence?

22 A. If you look at my good time sheets from
23 the penitentiary, I was just doing time on the
24 murder.

25 Q. Okay. So that was a plea bargain. You

1 asked for it to be concurrent on two charges you
2 weren't serving time on. Is that what you're trying
3 to tell us?

4 A. Yeah. I was doing time on the 15 years.
5 That's why I'm telling you if you look at my
6 penitentiary good time sheets, you'll see that
7 that's what I was doing. I was doing the time for
8 the murders.

9 Q. Is it your testimony that the prosecutor
10 and your lawyer had worked that out, and worked it
11 out so that your 15 years was concurrent with two
12 other cases; they were just mistaken that you were
13 serving time on other cases?

14 A. If they were running concurrent in the
15 penitentiary system, the higher charge is the one
16 that's the time you're going to do.

17 Q. Okay. So it might say --

18 A. It's concurrent case.

19 Q. So it might say only that you're doing
20 time on the murder case; but really, you're doing it
21 on all the cases together, correct?

22 A. Possible.

23 Q. So if you ran a nine-year sentence
24 concurrent with a 15, then really --

25 A. You're doing the 15.

1 Q. Right. So you only got six years extra?

2 A. No. I was already almost eight years into
3 the 15 years.

4 Q. Eight years into it?

5 A. Yes, sir.

6 Q. You served that, and then you had one year
7 left, it sounds like?

8 A. I was three months left to parole.

9 Q. Now, I think there were some questions
10 about one of the ways that someone might be able to
11 rise in the SNM was based upon violent activities
12 they did. Do you recall that question?

13 A. Yes, sir.

14 Q. And you said yes, that's one of the ways,
15 right?

16 A. Yes, sir.

17 Q. That's how you rose in the SNM, through
18 your violence?

19 A. Yes, sir.

20 Q. It wasn't through your charisma or your
21 leadership or intelligence or anything of that
22 nature; it was through violence, and violence alone?

23 A. Yes, sir.

24 Q. Now, there was some considerable effort to
25 show you some -- I think it's called a Kastigar

1 letter?

2 A. Yes, sir.

3 Q. The letter that you were talking about,
4 that you claimed you got, that said you'd never be
5 prosecuted, you have always maintained that that
6 letter was given to you by a lawyer by the name of
7 Daniel Fallon, correct?

8 A. No, sir. Daniel Tallon.

9 Q. Tallon. Okay. Tallon?

10 A. Yes, sir.

11 Q. Okay. Now, when you saw the Kastigar
12 letter that you got, it didn't have his name on it,
13 did it?

14 A. I believe it did.

15 Q. Well, let's retrieve it. This is a letter
16 they showed you before the lunch break?

17 A. Yes, sir.

18 Q. And that's with Mr. Clark, who is your
19 attorney, the attorney that's here in court with
20 you?

21 A. Yes, sir.

22 Q. And he objected on your behalf. In 2014
23 when you met with Mr. Burke, let's take a look at
24 that and see if it was Mr. Tallon.

25 A. No. Prior to Dean Clark, representing me,

1 it was Dan Tallon.

2 Q. The only question at hand is: Was this
3 with Mr. Tallon? The answer is "No," right?

4 A. No.

5 Q. So have you given to the prosecution or
6 the Government any letter that says you weren't
7 going to be prosecuted, from Mr. Tallon?

8 A. No, I've never given them a letter saying
9 that, but that's -- he came to see me in the state
10 penitentiary over there at the North facility, and
11 you can go and look at the records. Anytime an
12 attorney comes to visit you or anything like that,
13 it is on record, because they have to put their name
14 on record and everything that they came in to visit
15 you.

16 Q. Sir, I've got to correct one thing, and I
17 apologize to counsel and to the jury. It appears
18 there was a Jeremiah Baca in the facility in 2001;
19 is that right?

20 A. Yeah.

21 Q. But not in your pod?

22 A. No.

23 Q. Okay. The pod he was in was Looney's pod,
24 right?

25 A. I believe so.

1 MR. CASTLE: No other questions.

2 THE COURT: Thank you, Mr. Castle.

3 Mr. Sindel, do you have recross of
4 Mr. Lujan?

5 MR. SINDEL: I do, Your Honor.

6 MR. CASTLE: I'm sorry. I didn't move for
7 the admission of BV-3, which is the court file.

8 THE COURT: Do you have any objection to
9 that, Mr. Beck?

10 MR. BECK: No objection.

11 THE COURT: Any other defendant have any
12 objection? Not seeing any or hearing any, BV-3 will
13 be admitted into evidence.

14 (Defendants' Exhibit BV-3 admitted.)

15 MR. CASTLE: Do you have BV-3 up there?

16 THE WITNESS: No, sir.

17 MR. CASTLE: Can we check Agent Acee's
18 pocket?

19 THE COURT: Mr. Sindel.

20 MR. SINDEL: May I approach, Your Honor?

21 THE COURT: You may.

22 RECROSS-EXAMINATION

23 BY MR. SINDEL:

24 Q. I think this is sorted out, but I want to
25 make sure, Sammy Gonzalez you knew as Sleepy, right?

1 A. No. That was the other -- I think that
2 was the other Sleepy. There was two Sleepys there
3 at the time.

4 Q. Who was the other Sleepy?

5 A. Rick Sandoval.

6 Q. What was Sammy Gonzalez's nickname?

7 A. Sleepy, I think, too.

8 Q. Sleepy?

9 A. I think there was two of them.

10 Q. And you said that you had talked with
11 Sammy Gonzalez on March 25th, which was the Sunday
12 prior to the Monday when you heard the Code Red,
13 right?

14 A. No, sir. Rick Sandoval.

15 Q. You said Rick Sandoval. So you didn't
16 talk with Sammy Gonzalez?

17 A. No, sir.

18 Q. Your testimony, when I questioned you
19 about whether you talked to Sammy Gonzalez just
20 today, you're now saying you never did, right?

21 A. No.

22 Q. You never did?

23 A. There was two Sleepys there.

24 Q. You said today you never talked to Sammy
25 Gonzalez, right?

1 A. No, not about any of the stuff that was
2 going on.

3 Q. Did you talk to him about anything?

4 A. No.

5 Q. Did you meet with him?

6 A. No.

7 Q. No? That's because you know now, he's not
8 even there, correct?

9 A. No, sir.

10 Q. You do know that, right?

11 A. As far as when I was there in Southern,
12 there was two Sleepys. One was Rick Sandoval, and I
13 think I might have got the name right -- wrong. And
14 Sammy Gonzalez, I think Sammy Gonzalez might not
15 even be Sleepy. That might be Gumby.

16 Q. All right. So let's try Gumby. Did you
17 talk with Gumby on March 25th? Is that right?

18 A. Yeah.

19 Q. So March 25th, whether his name is Sleepy
20 or Gumby, you talked to Sammy Gonzalez?

21 A. Yes, sir.

22 Q. So can you look through these records,
23 BV-2 and the BV-1, and see if you can find Sammy
24 Gonzalez there? It is alphabetical, you know?

25 A. Yeah, I know. That's what I'm looking

1 for.

2 Q. A, B, C, D, right? Is there a Victor
3 Gonzalez?

4 A. A Victor.

5 Q. Is there an Esteban Gonzalez?

6 A. Yes, sir.

7 Q. Is there a Francisco Gonzalez?

8 A. Yes, sir.

9 Q. Is there a Cisco Gonzalez?

10 A. Yes, sir.

11 Q. Is there a Daniel and a John Gonzalez?

12 A. Yes, sir.

13 Q. Is there a Sammy Gonzalez?

14 A. No, sir.

15 Q. What date is that on?

16 A. On 3/26/2001.

17 Q. Let's take a look at the date you said you
18 talked to him and see if it's in there.

19 A. No.

20 Q. Did you talk to him on the phone?

21 A. No, sir.

22 Q. Did you talk to him while you were
23 hallucinating?

24 A. No, sir.

25 Q. I'm going to show you what's previously

1 admitted as Government's Exhibit 814. This is the
2 offender physical location history. Okay? So you
3 can look down and see where everybody was at one
4 particular point in time. And there is a name at
5 the top of it, right?

6 A. It says "Samuel Gonzalez."

7 Q. All right. So let's go and refer, if you
8 would, to page 3.

9 A. Page 3. Okay.

10 Q. Now, does it show there on page 3 that on
11 March 18th he was in SP-2, at B-2248, 2248 being the
12 cell number? Do you see that on March 18th?

13 A. Yeah. I see what you're looking at.

14 Q. March 18th to March 18th, that's where he
15 is. And then the next entry shows that on March
16 18th he's discharged until July 5th, isn't that
17 correct?

18 A. Yes, sir.

19 Q. And then on July 5th he comes back, and
20 he's put in the intake in 1103, right?

21 A. Yes, sir.

22 Q. So from March 18th to July 5th, 2001, he's
23 not even in the institution, is he?

24 A. Yes, sir, it shows that right there.

25 Q. And it shows that on the other one, right?

1 So were you sleeping when you talked to Sleepy, or
2 not?

3 A. Wait. Gonzalez is Gumby.

4 Q. Gonzalez being Gumby, Gonzalez being
5 Sleepy. You said you talked to him, whatever his
6 nickname, was on March 25th, right?

7 A. Um --

8 Q. And it couldn't be possible, if these
9 records are accurate, right?

10 A. I talked to a lot of people that day, and
11 sometimes it's a little confusing. But I know who
12 Gumby is. If you show me his picture, I'll point
13 him out right away.

14 Q. Okay. Let's just see. How many people
15 that day did you talk about killing somebody?

16 A. I didn't --

17 Q. Hard to remember?

18 A. I talked to Eugene Martinez.

19 Q. I said how many? I didn't say names.

20 A. How many people?

21 Q. How many people did you talk to about
22 killing somebody on March 25th?

23 A. One, two, three, four, five, six -- there
24 was like about seven that knew about that.

25 Q. And Gumby was one of them?

1 A. Both murders.

2 Q. Gumby was one of them?

3 A. Yes, sir.

4 Q. And Sleepy was one of them?

5 A. Yes, sir.

6 Q. Now, when Mr. Beck -- do you know what I
7 mean by spoon feeding?

8 A. Oh, man.

9 Q. Like a little baby, you make sure they get
10 the food in their mouth?

11 A. Yeah, I know a little bit.

12 Q. So I want to ask you some questions. When
13 you were answering Mr. Beck's questions, you said
14 that your judgment on the murder-second case was in
15 1998 or 1999, right?

16 A. Somewhere around there, I think.

17 Q. Is that correct?

18 A. It might have been in '99.

19 Q. 1990?

20 A. No, '99.

21 Q. Okay. So it was either 1998 or 1999.
22 That was the judgment on the murder-second that you
23 were doing 15 years on and that you were scheduled
24 to be released a couple -- somewhere in late 2015,
25 right?

1 A. December -- wait. They started in
2 December, so three months later would be January,
3 February -- March of 2016.

4 Q. All right. So, I mean, you were right on
5 the edge of walking out that prison door when they
6 came with this federal indictment, right?

7 A. Yes, sir.

8 Q. And so from 1999, that's the time that you
9 were in custody on the murder-second, according to
10 your memory?

11 A. Yes, sir.

12 Q. Your memory that's good now, right?

13 A. Yes, sir.

14 Q. And I think you had said to him that you'd
15 never seen the judgment and sentence before, just
16 like you told me you'd never seen any of the
17 discovery before you entered a plea of guilty?

18 A. I've seen the judgment and sentence. I've
19 had the little box, I think, that they just showed
20 me a minute ago, where it shows how much time I had
21 and everything. But I've never seen the actual
22 discovery of the Animal murder.

23 Q. And you've never seen -- I just want to
24 get this right. This was a death penalty case, you
25 had a lawyer, and you never saw any police report,

1 right?

2 A. Never saw any of that.

3 Q. And you never knew what was going down the
4 pipe against you when you talked to the police in
5 August of 2007?

6 A. No, sir.

7 Q. So when you talked to them, you still had
8 no idea, no clue what the evidence was?

9 A. No, sir.

10 Q. Have you had attorneys on -- you've
11 testified -- I'm sorry. Let me rephrase that.

12 You testified, in response to Mr. Beck's
13 direct examination the first day you were on, about
14 all the cases that you had, the burglary, the car
15 theft, all those things. You had an attorney on
16 every one of those cases, didn't you?

17 A. Yes, sir.

18 Q. And did all of those attorneys, on those
19 relatively minor in the felonies, give you police
20 reports?

21 A. Yes, sir. I had a full disclosure of
22 discovery.

23 Q. All right. So the only case that you
24 never got full disclosure on was the most serious
25 case that had ever been brought against you?

1 A. Yes, sir.

2 Q. And did you ever write a letter to the
3 Court or file any kind of pleadings saying, you
4 know, "I'm in the dark here"?

5 A. No, sir.

6 Q. "This is a death penalty case. I need to
7 know"?

8 A. No, sir.

9 Q. You just sat back, right?

10 A. From what I understood, the discovery was
11 sealed, so that's why I didn't even bother, you
12 know.

13 Q. Discovery was sealed?

14 A. I got -- I had just got a rumor that it
15 was sealed, and I just didn't bother looking at it.
16 But I never seen it.

17 Q. When Mr. Castle showed you the record from
18 the Court, did you see anything in there when you
19 reviewed it?

20 A. Yes, sir.

21 Q. Saying that those records were sealed?

22 A. No, sir.

23 Q. Did you ever think that maybe going to
24 trial, not knowing what the discovery was because it
25 had been sealed, would have been unfair?

1 A. It never occurred to me.

2 Q. Even though you knew that you had a right
3 to appeal circumstances if your lawyer wasn't doing
4 his job?

5 A. Yeah, I knew I could appeal.

6 Q. And you knew you that you could appeal if
7 the lawyer didn't give you discovery?

8 A. I didn't know about that part.

9 Q. Well, let me ask you. So if I understand
10 it right, when you were being questioned on August
11 8, 2007, by Detective Rich Lewis -- you remember
12 what I'm talking about, right?

13 A. Yes, sir.

14 Q. You had no idea what the discovery was?

15 A. No, sir.

16 Q. And you just went ahead and told him,
17 without having any clue from him what the evidence
18 was against you?

19 A. Yes, sir.

20 Q. Is that correct?

21 A. Yes, sir.

22 Q. I'm going to show you page 6.

23 MR. BECK: Is that the interview with Mr.
24 Lewis?

25 MR. SINDEL: Yes. I'm sorry.

1 Q. This is the interview that you had with
2 Rich Lewis on August 8, 2007, right? Do you see
3 that?

4 A. Yes.

5 Q. And he's asking you the questions, and
6 you're doing the answers, right? He says, "I plan
7 to talk to you about the homicide from 1998, the
8 Frederico Martinez (sic) strangling," correct?

9 A. Yes, sir.

10 Q. And you say, "I agree, I agree, yeah, I
11 know."

12 A. Yes, sir.

13 Q. And then it says, "Your DNA came back,"
14 right?

15 A. He swabbed me. They swabbed me. He had
16 swabbed me, and he had told me my DNA had came back.

17 Q. Yeah. So you knew that on August 8, 2007,
18 when you were answering his questions, right? Your
19 DNA came back?

20 A. Yes, sir.

21 Q. So when you said you didn't know anything
22 about the discovery or any other information,
23 including what Mr. Lugo said about your activities
24 with him, right?

25 A. No, I didn't know Mr. Lugo was accusing me

1 of what he was accusing me of.

2 Q. You didn't know any of that stuff?

3 A. I knew about the DNA part because they
4 swabbed me.

5 Q. Well, they can swab you and it can come
6 back negative, right?

7 A. Yeah.

8 Q. It wasn't you?

9 A. Yeah.

10 Q. But you knew it came back positive,
11 because you said, "Um-hum," right?

12 A. I didn't know it came back positive.

13 Q. Well, you said your DNA came back?

14 A. Yeah.

15 Q. What did you take that to mean?

16 A. That's all he said. But it didn't cross
17 my mind. It didn't cross my mind.

18 Q. You're sitting here, being interviewed?

19 A. It did not cross my mind. Don't try to
20 put things in my head.

21 Q. I don't want to coerce the truth out of
22 you.

23 A. That's what you're trying to do. It
24 didn't cross my mind. I never saw the discovery.
25 This isn't true, right here. I never saw the

1 discovery.

2 Q. Does he also say, "At the crime scene,
3 multiple witnesses, including people involved"?
4 Right? He's telling you what they have, right?

5 A. Yeah.

6 Q. And you say, "Well, I already know who's
7 going to testify and everything," right?

8 A. Yeah. And that's when I was referring to
9 Frederico Munoz.

10 Q. And how did you know he was going to
11 testify?

12 A. Because when I was in -- when I was in
13 BCDC, the old BCDC, in 3 Southeast, I could see out
14 the window, and I would see the detectives taking
15 him out sometimes, and taking out Manuel Benito
16 sometimes.

17 Q. And those were the two guys?

18 A. Yes.

19 Q. "So I already know who's going to testify
20 and everything," right? That's what you said?

21 A. Yes, sir.

22 Q. And there is a note there, "On the
23 Martinez murder, he knows his goose is cooked,"
24 right?

25 A. I never seen that.

1 Q. Do you remember on September 12, 2007,
2 saying, in response to questions that were asked of
3 you when Mr. Rhoades was present, that you didn't
4 want anybody to collaborate the story or give you
5 guys something else? "Like I was telling you,
6 somebody might be telling you guys different just so
7 they can get away with what they're doing, so that
8 they don't get so much time and stuff."

9 Do you remember that statement?

10 A. Yes, sir.

11 Q. And that's talking about people jumping on
12 the gravy train, right?

13 A. Yes, sir.

14 Q. When you talked in response to Mr. Beck's
15 question, you were concerned that the stress and
16 everything might be too much for your pregnant
17 girlfriend?

18 A. I was concerned about her safety because
19 she was pregnant, and I didn't want nobody to harm
20 her.

21 Q. Harm her? Well, did you say this, "I'm
22 going to testify, and she knows" -- I'm sorry, page
23 5. "I'm going to testify, and she knows what's
24 going on there, but I haven't let her know too much
25 because she's pregnant and I don't want her to lose

1 the baby"?

2 A. Yeah, I said that.

3 Q. Is that what you said?

4 A. Yes, sir.

5 Q. And as you were going through and
6 providing them with details, they said something
7 about you being able to go back and get on with your
8 life, didn't they?

9 A. I don't remember that.

10 Q. Page 19. You're talking there at the top
11 about -- or they're saying, "You know, if you get us
12 details, we can get the feds involved too," right?

13 A. Yes, sir.

14 Q. You want that, don't you?

15 A. Yes, sir.

16 Q. They've got --

17 A. I asked for it.

18 Q. -- all the resources, right?

19 A. Yes, sir.

20 Q. They can get you into WITSEC, right?

21 A. Yes, sir.

22 Q. They can pay you money?

23 A. I wasn't even thinking about that at the
24 time. I didn't know nothing about that kind of
25 stuff.

1 Q. They've got all the "resources." Is that
2 the word they used there?

3 A. Yeah.

4 Q. And then at the very bottom they say,
5 "Let's get into the details, and you can get on or
6 get you back with your life," right?

7 A. Yes, sir.

8 Q. That's what you wanted, right?

9 A. Um --

10 Q. To get back to your life?

11 A. I was looking more out for my girlfriend
12 than me, you know.

13 Q. Is that the word --

14 A. I wasn't thinking about the feds. I'd
15 never dealt with the feds. How could I know about
16 the feds, if I've never dealt with them? That was
17 the first time I've ever did anything like that.

18 Q. Did they talk to you at that interview
19 about getting the feds involved?

20 A. Yes, sir.

21 Q. And did you at that interview say, "I want
22 to have everything in writing"?

23 A. Yes, sir.

24 Q. "And I want to see what the details are,"
25 right?

1 A. I believe I even asked them that I wanted
2 a copy for my girlfriend and I wanted a copy for my
3 mother.

4 Q. Okay. Well, that's just fine. And they
5 concluded this little bit of discussion with, "And
6 let's move on, get you back with your life," right?
7 Right?

8 A. Could have been.

9 Q. You saw it?

10 A. Could have been.

11 Q. I'm going to talk to you -- I mean, first
12 of all, it's been clear from your testimony, a
13 couple things. First of all, if they don't do what
14 you want or what you've ordered them to do, they can
15 get killed, right?

16 A. I didn't order nobody to do anything. I
17 chose them.

18 Q. I'll rephrase it just like you want it.
19 If they didn't do what you told them to do, it was
20 clear in your mind, clear in theirs, they'd get
21 killed, right?

22 A. I just chose them to do whatever they were
23 going to do, and I picked them, and that's it. I
24 didn't order anybody to do anything.

25 MR. BECK: Objection, Your Honor; outside

1 the scope.

2 A. I just picked them.

3 THE COURT: Overruled.

4 Q. And it was clear in your mind, because you
5 had set the thing in motion, that if they didn't do
6 what you said for them to do, they were going to get
7 hit and killed?

8 A. That was the plan.

9 Q. That was the plan, right?

10 A. Discussed by me and Mr. Billy Garcia.

11 Q. That was the plan that you talked to them
12 about, right?

13 A. Yes, sir.

14 Q. And that's the plan that you gave to
15 Sleepy, Smurf, Gumby, and Oso?

16 A. I never -- I never involved Oso. Carlos
17 Mirabal was never involved.

18 MR. SINDEL: May I approach?

19 THE COURT: You may.

20 Q. FBI 302?

21 A. Um-hum.

22 Q. Left-hand corner, right? Investigation on
23 2/27/2014, right?

24 A. Yes.

25 Q. This is -- everybody has been talking to

1 you about this one, right?

2 A. Yes, all day long.

3 Q. And all yesterday, too?

4 A. Yeah.

5 Q. And in the debriefs you've had with the
6 Government?

7 A. Yes, sir.

8 Q. And when you sat down and talked with
9 Mr. Beck and Mr. Castellano and Mr. Acee and
10 Ms. Armijo, they talked about it, right?

11 A. They talked about it.

12 Q. They talked about every single interview
13 you've done, correct?

14 A. Yes, sir.

15 Q. They've shown you all the paperwork in
16 getting you ready?

17 A. Yes, sir.

18 Q. Getting you ready and rehearsed?

19 A. I already knew all this stuff. I pretty
20 much knew everything, you know. I knew all this
21 stuff. I've been doing this already since 2007.
22 I've already been interviewed, I don't know how many
23 times. So I've known a lot of it.

24 Q. I guess I'm confused. I thought you took
25 your tablet and smashed it?

1 A. I did.

2 Q. But you still had this paperwork, right?
3 Or you had it in your mind? Is that it?

4 A. Not the exact paperwork. I mean, yeah,
5 they showed me their paperwork and stuff, and they
6 went over it with me, you know.

7 Q. And then you could change anything you
8 wanted and say, "You know, that is not right,"
9 right?

10 A. Yeah, I could have changed. I could have
11 said what had occurred. But throughout the whole
12 time that I've been giving interviews, I've been
13 consistent. Yeah, there has been some stuff that
14 wasn't said right and some stuff that was wrong, but
15 it's been consistent.

16 Q. You've answered the question?

17 A. Yes, sir.

18 Q. You are consistent, right?

19 A. Yes.

20 Q. You are right down the line, right?

21 Page 3, that paragraph?

22 A. That shouldn't have been there.

23 Q. If you were consistent --

24 A. Because I never asked Oso for nothing or
25 to do nothing. Because Oso was one of the ones that

1 was trying to act like he was all hard core and
2 calling shots.

3 Q. All right. You've answered the question.
4 Please. Is Oso's name there?

5 A. Yeah, it's there.

6 Q. And is Mirabal's name there?

7 A. That's Carlos Mirabal.

8 Q. That's his last name, right?

9 A. Yes, sir.

10 Q. So in all this time that you've read
11 everything, memorized everything, and you've
12 rehearsed everything, did you ever say, "Oso
13 shouldn't be there," except here in court?

14 A. I might have made a mistake and not said
15 it, but he wasn't involved with nothing.

16 Q. You might have made a mistake and not said
17 it. Okay. And also Mr. Beck asked you, Mr. Castle
18 asked you, and I asked you about this situation with
19 the drug trafficker Leysha, right?

20 A. Um-hum.

21 Q. And one time you said you didn't carry the
22 Glock, and then later you said you did carry the
23 Glock, right?

24 A. I did carry the Glock.

25 Q. But you never shot it?

1 A. No, I never shot it. I don't know nothing
2 about Glocks. I don't know about .40s. I'd never
3 handled one until that night, and the only reason I
4 handled it is because Mario got the truck stuck in
5 the sand and he was trying to drive out.

6 Q. I don't want to hear about the truck in
7 the sand and driving off. What I want to know is
8 whether or not you had that Glock in your hand that
9 night?

10 A. Yeah.

11 Q. And you say you don't know anything about
12 a Glock; is that right?

13 A. I had it in my hand for maybe about five
14 minutes, and that was it, until we got the truck
15 unstuck, and gave it right back to Mario.

16 Q. If you want to shoot a Glock, how do you
17 do that?

18 A. You just press the trigger, I guess. But
19 I didn't never shoot a .40. I've never shot a .40.

20 Q. I'm going to show you, out of that same
21 302, February 27, 2014. Are you talking about
22 acting as a pistolero or armed bodyguard?

23 A. Yes, sir.

24 Q. So I guess this Leysha, who is connected
25 with the Mexican drug cartels, is going to get a guy

1 who doesn't even know how to shoot a gun?

2 A. I had a .38. When I came out of the truck
3 I had the Glock in my hand, the .40 caliber in my
4 hand, because I was just out there just to make sure
5 that nobody drove up on us. Because she was already
6 blinking the lights.

7 Q. Well, what was it that you understood
8 would be different about the way the mechanism for
9 firing a .38 from the mechanism of firing a Glock
10 .40?

11 A. I don't know what the difference would be,
12 just the higher caliber. That's it.

13 Q. Okay. You still pull the trigger, don't
14 you?

15 A. Yes.

16 Q. So she's got these two very qualified
17 bodyguards to help her. And does it say there on
18 this second page, page 689, "Montoya became
19 paranoid, and before Lujan knew it, shots were
20 exchanged," correct? Does it say that?

21 A. That shouldn't be there because --

22 Q. Does it say that?

23 A. It says it.

24 Q. "Lujan had a .40 caliber Glock pistol and
25 returned fire." Does it say that?

1 A. Yeah, it says that, but I never did. I
2 never returned fired. It says what it says there.

3 Q. Does it say, "exchanging bullets with an
4 unknown assailant"?

5 A. Yeah.

6 Q. And does it say, "Lujan was unsure whether
7 anyone was injured during the altercation"?

8 A. Yes, sir, it says that.

9 Q. How many times did you say to Mr. Beck or
10 Mr. Castellano or Ms. Armijo or Agent Acee, "We need
11 to get this straight"?

12 A. I never caught it. To be honest with you,
13 I never caught it or I would have asked them to
14 straighten that out.

15 Q. Oh. I thought you were totally
16 consistent?

17 A. I'm talking about the story with the
18 murder that happened --

19 MR. BECK: Your Honor, I'm going to object
20 to counsel's comments at the sidebar.

21 THE COURT: Well, I think it was a
22 question. Overruled.

23 BY MR. SINDEL:

24 Q. You said you were consistent about the
25 story you've been telling, right?

1 A. I'm talking about the murders that
2 happened in Southern New Mexico Correctional
3 Facility.

4 Q. Everything else is just throw away?

5 A. No. A lot of it is all the same, you
6 know. But when it comes to that, what you just
7 showed me there, I should have caught it.

8 Q. Well, I got the distinct impression that
9 you pretty well memorized everything, but I guess
10 not, right?

11 A. No.

12 Q. And then in the most recent or one of the
13 more recent ones that you had, the FBI 302 dated
14 January 5, 2017, which was sort of a summary going
15 through all the other reports and all the
16 information that you have provided, it gave you a
17 chance to clean up any problem, right?

18 A. We talked several times in the past, I
19 think, three weeks, two or three weeks.

20 Q. I'm talking about January 5, 2017.

21 A. I'm trying to remember that, as I don't
22 know if that's the interview with Bryan Acee over
23 there in Sandoval County.

24 Q. Well, it's with -- you know, at the U.S.
25 Attorney's Office in Sandoval County detention

1 facility.

2 A. Yes, sir.

3 Q. You remember that, right?

4 A. Yes, sir.

5 Q. And it says, "Lujan said he had been
6 reviewing the same reports on his tablet device,"
7 right?

8 A. Yes, sir.

9 Q. That's before you decided to destroy it?

10 A. Yes, sir.

11 Q. "And noted some errors"?

12 A. There were some errors that I noticed. I
13 had them written down on some tablets and stuff, but
14 I have already turned them over to my attorney.
15 Those were notes that I had taken off the tablet,
16 but --

17 Q. Did you turn those over to the prosecution
18 team?

19 A. I don't know if my attorney gave them to
20 --

21 Q. I asked if you did, sir.

22 A. I didn't, sir.

23 Q. So you don't know if your attorney did
24 right?

25 A. No, I don't.

1 Q. But you gave it to your attorney, I assume
2 with the assumption that it would eventually make
3 its way into the hands of these people?

4 A. Yes, sir.

5 Q. Did you remember if you made the change
6 about being a pistolero?

7 A. No, I don't remember that.

8 Q. Did you remember making the change about
9 Oso?

10 A. No.

11 Q. And do you remember indicating at that
12 interview of January 5, 2017, that when you're
13 talking about Joe Gallegos, it says, "The green
14 light stays until there are no more jobs, thus a
15 member cannot ever be made good again"?

16 Do you remember saying that?

17 A. No, I don't remember ever saying that.

18 Q. Saying that, I said.

19 A. I didn't say it.

20 Q. Is it true?

21 A. No, sir.

22 MR. SINDEL: May I approach, Your Honor?

23 THE COURT: You may.

24 MR. BECK: What are you showing him, Mr.
25 Sindel?

1 MR. SINDEL: 42605.

2 BY MR. SINDEL:

3 Q. Talking about Mr. Gallegos and assigning
4 people with various tasks or missions, right? Acee
5 asked you how members of the SNM who were considered
6 no good could restore themselves in the eyes of the
7 gang and be considered good again, correct?

8 A. Yes. By putting in work, having to do a
9 hit or putting in work.

10 Q. "The green light stays until there are no
11 more jobs, thus a member cannot ever be made good
12 again," right? Is that what it says?

13 A. That's a misprint. That's a misprint big
14 time, because I never said something like that. I
15 never said something like that.

16 Q. Boy. When was it that you first made
17 steps to correct this major misprint?

18 A. I never said something like that.

19 Q. You never made a step to correct it,
20 right?

21 A. When they're sitting there questioning me,
22 asking me this and that, I'm sitting and I'm telling
23 them what's going on, what happened, this and that.
24 And, you know, if they're going tag team or
25 whatever, and they're going too fast, I mean, I

1 stand corrected.

2 Q. Were they tag-teaming?

3 A. Yeah, on the computers and stuff.

4 Q. If I'm getting it right, you get to see
5 this?

6 A. I haven't seen the tablet, dude. The
7 tablet I seen, I had for three months.

8 Q. Well, I'm also --

9 A. You said up to page 10,000, right? There
10 is more things in that tablet than I have seen
11 because they've added more.

12 Q. I know. But you said you saw your reports
13 that had to do with you, and you reviewed them?

14 A. Yeah, with the murders.

15 Q. And you were consistent, right?

16 A. Yeah, with the murders.

17 Q. Right.

18 A. But I never mentioned something like that.

19 Q. You never said that?

20 A. No.

21 Q. They got it wrong, and you didn't correct
22 it?

23 A. No. It's my fault. I should have
24 corrected it.

25 Q. Oh, you should have. Joe Gallegos is no

1 good, and Smiley Andrew Gallegos is a sex offender,
2 and his brother has to take them out or get out of
3 the SNM?

4 A. Well, as far as this guy, I don't even
5 know who he is. I heard when all this case came up.
6 I don't know who Andrew Gallegos is.

7 Q. Then why is it that there --

8 A. The only ones I know are the Gallegoses,
9 is Joe and Frankie.

10 Q. Is that a quote from you?

11 A. No.

12 Q. Do you see quotation marks around that?

13 A. No.

14 Q. You didn't correct that either, did you?

15 A. No.

16 Q. As far as you were concerned, there was
17 nothing they could ever do to get good again, right?
18 Just like you said earlier, right?

19 A. Excuse me?

20 Q. Never mind. You know, they asked you --
21 Mr. Beck asked you whether or not you came into
22 court and said you were sorry, right?

23 A. Yes, sir.

24 Q. Do you remember that?

25 A. Yes, sir.

1 Q. And that was when you were facing the
2 judge, correct?

3 A. Yes, sir.

4 Q. And can you even guess how many times
5 defendants come into court and plead guilty and face
6 sentences and say they're sorry? I mean, would it
7 surprise you that it happens almost every time?

8 MR. BECK: Objection, Your Honor. Counsel
9 is testifying.

10 THE COURT: No, I think it's still a
11 question. Overruled.

12 Q. Would it surprise you if virtually every
13 single defendant who comes before the Court says,
14 "I'm sorry"?

15 A. I don't know. I've never been in trial.

16 Q. Well, would it surprise you, sir?

17 A. I don't know if it would.

18 Q. But what you wanted to do was, you wanted
19 to tell the judge, "This life is behind me; I'm not
20 this guy anymore; I'm a much better human being,"
21 right?

22 A. I didn't want to tell the judge nothing
23 like that. I asked if I can address the family, and
24 I turned around and apologized to them.

25 Q. And that was to leave an impression on the

1 family and the judge, correct?

2 A. No, sir. Because, see, me and Frankie --
3 me and Frankie Castillo grew up together, and I knew
4 his family, you know, and I felt bad about it.

5 Q. So was the impression you wanted to give
6 his family and the judge that you have left the
7 life, the gang life, behind?

8 A. I had left the gang life before that, way
9 before that.

10 Q. Did you want to leave the impression that
11 you had left the gang life behind?

12 A. No. That's not what it was about.

13 Q. So you would be fine if you were to tell
14 the judge, "Look, as soon as I get out of here, I'm
15 going right back to a gang"?

16 A. No.

17 Q. You weren't going to say that, were you?

18 A. No, sir.

19 Q. Because you wanted to convince everybody
20 that you were a different person than you were when
21 you killed all those people, right?

22 A. It's not that at all, no.

23 Q. Well, so you haven't changed, have you?

24 A. I'm a human being, you know. I have
25 remorse, you know.

1 Q. But what I'm trying to figure out is --

2 A. You're trying to put words in my mouth.

3 Q. -- you haven't changed.

4 MR. BECK: Your Honor, I'm going to object
5 to that comment.

6 THE COURT: Let's don't make comments like
7 that, Mr. Sindel.

8 MR. SINDEL: I apologize. And I apologize
9 to you, Mr. Lujan.

10 THE COURT: Well, you've done it a couple
11 of times, so cut it out.

12 Q. Have you changed?

13 A. Yes, sir. I've been a Christian for a
14 while.

15 Q. That was a "Yes" or "No" answer.

16 A. Well, yes, I changed.

17 Q. And you've renounced the code that you
18 initially agreed to and that was part of the gang,
19 right?

20 A. Yes, sir. I don't even like being around
21 these guys.

22 Q. You answered the question.

23 A. Yes, sir.

24 Q. And when you sat down and you were
25 interviewed by the FBI on December 3, 2014, they

1 asked you -- let me ask you if you remember this
2 question and this answer, page 20:

3 "THE AGENT: Did you ever try to take any
4 action against Freddie for giving you up?"

5 And your response --

6 A. Well --

7 Q. Wait. You can just wait. Your response
8 was, "Not yet"?

9 A. Yeah.

10 Q. And the agent said, "Not yet?"

11 And you said, "I won't let that go. I
12 won't let it go. Me and him come face-to-face, I'm
13 going to answer to him, and he's going to answer to
14 me."

15 Right? Is that what you said?

16 A. I said that was my comment.

17 Q. Is that what you said?

18 A. I'd say about a week or two weeks ago --

19 Q. Sir, can you just say "Yes" or "No"?

20 A. I just answered. You're asking me
21 something about if I have remorse, so can I please
22 answer?

23 Q. I didn't ask you that. I asked you if you
24 had said that.

25 A. That's what you asked. You asked if I

1 said that, but you're saying -- you're referring if
2 I had any remorse. And two weeks ago, about a week
3 and a half ago, two weeks ago, Gerald Archuleta and
4 Freddie Munoz were sitting at a table with me, and I
5 apologized.

6 Q. Sir, there is no question in front of you.

7 MR. SINDEL: Your Honor, I'd ask --
8 nonresponsive.

9 THE COURT: Mr. Lujan, I'm going to strike
10 your answer.

11 A. That's not cool, dude.

12 THE COURT: Mr. Lujan, I'm talking. Look
13 at me, Mr. Lujan. When I talk, you don't talk.

14 THE WITNESS: Right.

15 THE COURT: Now, I'm going to strike your
16 answer because it was nonresponsive.

17 THE WITNESS: Okay.

18 THE COURT: Listen to Mr. Sindel's
19 question. Answer it. If Mr. Beck wants anything
20 further, he can ask the question.

21 THE WITNESS: Okay.

22 BY MR. SINDEL:

23 Q. Those are the words you said, correct?

24 A. Yeah.

25 MR. SINDEL: That's all I have.

1 THE COURT: Thank you, Mr. Sindel.

2 MR. SINDEL: Thank you, Your Honor.

3 THE COURT: Mr. Beck, any redirect?

4 REDIRECT EXAMINATION

5 BY MR. BECK:

6 Q. Mr. Lujan, since December 3, 2015, have
7 you spoken to Mr. Frederico Munoz?

8 A. Yes, sir.

9 Q. What happened?

10 A. We spoke like about -- I'd say about a
11 week and a half ago, two weeks ago. I spoke with
12 him and Gerald Archuleta. I apologized to both of
13 them, and we squashed our beef, and we left it at
14 that. And, you know, he's in a different facility,
15 and I'm in a different facility and, you know, I
16 just -- there's no need, with all the -- excuse my
17 language -- with all the bullshit anymore. We're
18 both in the same boat.

19 Q. All right. I'm going to hand you an FBI
20 report from an interview you did in January 2009 and
21 one from June 2009.

22 MR. BECK: May I approach, Your Honor?

23 THE COURT: You may.

24 Q. Mr. Munoz -- sorry. Mr. Lujan, in that
25 January 2009 FBI 302 report, is that where it says

1 "Jeremiah Baca, a/k/a Criminal"?

2 A. Yes, sir.

3 Q. And are you telling the FBI that that's
4 who you told to kill Mr. Castillo, along with -- who
5 else do you tell them?

6 A. I told Criminal. And I didn't tell
7 Jeremiah Baca to kill anybody. Just Criminal, Angel
8 DeLeon, and Joe Gallegos.

9 Q. What I'm asking is, in that 302, who does
10 it say you told them about?

11 A. It was Billy Garcia, at the direction of
12 Billy Garcia.

13 Q. Let me ask you, does it say that you told
14 Jeremiah Baca, a/k/a Criminal, and Joe LNU, who the
15 source believes has the possible last name of
16 Castillo?

17 A. Yes, sir.

18 Q. And then does it also say you enlisted the
19 help of Angel LNU?

20 A. Yes, sir.

21 Q. And do you know that capital letters LNU
22 mean last name unknown?

23 A. Yes.

24 Q. And then does it say, "Joe LNU (possibly
25 Castillo) suggested they do a hotshot"?

1 A. Yes, sir.

2 Q. I'm showing you now the June 2009 FBI 302
3 report. And does that say, "At the direction of
4 Garcia, Lujan then directed Joe Gallegos, an
5 individual he knows only as Criminal, and Angel LNU
6 to carry out the murders by means of strangulation"?

7 A. Yes, sir.

8 Q. Does that indicate to you that when you're
9 talking to the FBI in those reports, you referred to
10 Joe, Angel, and Criminal, and couldn't recall their
11 full or even their real names?

12 A. Yes, sir.

13 Q. Are there multiple people within the SNM
14 who have the same, what I'm going to call monikers
15 or nicknames?

16 A. Yes, sir.

17 Q. Are there multiple people with the
18 nickname "Smurf"?

19 A. Yes, sir.

20 Q. Are there multiple people with the
21 nickname "Shadow"?

22 A. Yes, sir.

23 Q. Are there multiple people with the
24 nickname "Huero"?

25 A. Yes, sir.

1 Q. Is Eugene Martinez's nickname "Huero"?

2 A. Yes, sir.

3 Q. Is Edward Troup's nickname "Huero"?

4 A. Yes, sir.

5 Q. Are there multiple people in the SNM even
6 with the nickname "Dan Dan"?

7 A. Yes, sir.

8 Q. And when you talk to other SNM members as
9 an SNM member, do you talk to them by their full and
10 proper names, or do you talk to them by their
11 nicknames?

12 A. Mostly their nicknames.

13 Q. I'm going to show you what's been admitted
14 as Government's Exhibit 181. Is that the person who
15 you told the FBI you talked to about killing Mr.
16 Castillo?

17 A. Yes, sir.

18 Q. At times in the past, do you think you've
19 called him by only "Joe" or "Joe Castillo" or "Joe
20 Gallegos"?

21 A. It been mostly "Joe."

22 Q. But seeing this picture and seeing him in
23 court here, is that the person that you told?

24 A. Yes, sir.

25 Q. May we see Exhibit 180. I think you were

1 shown Samuel Gonzalez's offender criminal location
2 history by Mr. Castle a couple minutes ago. Do you
3 remember that?

4 A. Yes, sir.

5 Q. Do you see that this is the physical
6 location history for Joe Lawrence Gallegos?

7 A. Yes, sir.

8 MR. SINDEL: Your Honor, this is outside
9 the scope of the recross.

10 THE COURT: How is this tied to the
11 recross?

12 MR. BECK: This is tied to both Mr. Sindel
13 and Mr. Castle going into identifying Mr. Gallegos
14 as different people and identifying the people in
15 the reports as different people.

16 MR. SINDEL: Your Honor, I don't believe I
17 brought up a single thing about it being Joe
18 Gallegos is different people. That was something in
19 cross, but it wasn't in recross.

20 THE COURT: Well, I think it's close
21 enough to the recross. I'll allow it. Overruled.

22 BY MR. BECK:

23 Q. I'm going to show you Exhibit 181 again.
24 I'm looking down at the entry from December 2000
25 until August of 2001. Do you see that Joe Gallegos

1 was in Paul 1 green pod?

2 A. Yes, sir.

3 Q. Is that where Mr. Castillo, Frank

4 Castillo, was killed on March 26, 2001?

5 A. I believe so, yes, sir.

6 Q. I'm going to show you Government's Exhibit

7 885. And who is that?

8 A. That's Criminal.

9 Q. All right. What's his name?

10 A. I don't know his full name.

11 Q. Is that the Criminal that you told to kill

12 Frank Castillo?

13 A. Yes, sir.

14 Q. I'm going to show you Government's Exhibit

15 881. Do you see that this is the offender physical

16 location history for Michael Paul Jaramillo, Jr.?

17 A. Yes, sir.

18 Q. And if we look, do you see -- sorry. Do

19 you see that above that line that I just drew, that

20 from March 1, 2001, to June 28, 2001, he also was

21 housed in the Paul 1 green pod?

22 A. Yes, sir.

23 Q. Is that where Frank Castillo was murdered

24 on March 26, 2001?

25 A. Yes, sir.

1 Q. I'm going to show you Government's Exhibit
2 110.

3 MR. CASTLE: Your Honor, I don't believe
4 this is within the scope of recross. This is
5 essentially closing argument.

6 THE COURT: I don't recall this, either.
7 Sustained.

8 BY MR. BECK:

9 Q. Who did you tell or who did you task to
10 kill Rolando Garza?

11 A. I approached Eugene Martinez.

12 MR. CASTLE: Objection.

13 THE COURT: Mr. Lujan, sustained.

14 BY MR. BECK:

15 Q. I think Mr. Castle went over whether you
16 stayed consistent that you were Garcia's right-hand
17 man. Do you remember those questions?

18 A. Yes, sir.

19 Q. And were you? Up until the time that you
20 left the SNM Gang, were you Garcia's right-hand man?

21 A. Yes, sir.

22 Q. I'm going to show you FBI 302 from April
23 2014.

24 MR. BECK: May I approach, Your Honor?

25 THE COURT: You may.

1 Q. Bates No. 687. In April 2014, does that
2 indicate you told the FBI that you were Garcia's
3 right-hand man?

4 A. Yes, sir.

5 Q. And were you indicted in this case, along
6 with Mr. Garcia, in December of 2015?

7 A. Yes, sir.

8 Q. Was that April 2014 interview with the FBI
9 over a year before the indictment in this case with
10 Mr. Billy Garcia?

11 A. I believe so.

12 Q. And I'm going to show you page 19 from the
13 transcript of your December 2015 interview with the
14 FBI. Does that interview reflect that you told the
15 FBI again in 2015 that you're Billy Garcia's
16 right-hand man?

17 A. Yes, sir.

18 Q. And were you telling them that in the
19 context of talking about the Gerald Styx Archuleta
20 versus Billy Garcia divide in the SNM?

21 A. Yes.

22 MR. BECK: Nothing further, Your Honor.

23 THE COURT: Thank you, Mr. Beck.

24 All right. Mr. Lujan, you may step down.

25 Is there any reason that Mr. Lujan cannot be excused

1 from the proceedings? Mr. Beck?

2 MR. BECK: No, Your Honor.

3 THE COURT: Any objection from the
4 defendants? Not seeing or hearing any, you are
5 excused from the proceedings. Thank you for your
6 testimony.

7 THE WITNESS: Thank you.

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5

I, Jennifer Bean, FAPR, RDR, CRR, RMR, CCR,

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Official Court Reporter for the State of New Mexico,

7

do hereby certify that the foregoing pages

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constitute a true transcript of proceedings had

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before the said Court, held in the District of New

10

Mexico, in the matter therein stated.

11

In testimony whereof, I have hereunto set my

12

hand on this 13th day of May, 2018.

13

14

15

Jennifer Bean, FAPR, RMR-RDR-CCR

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